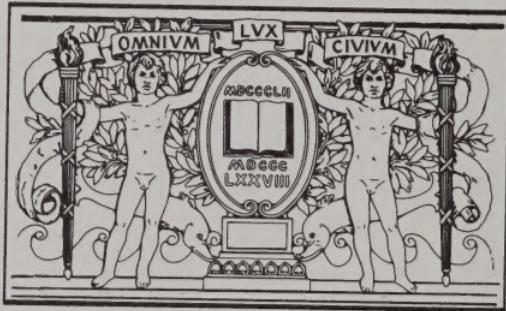


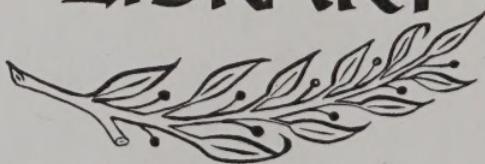
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A C T S

RELATING TO THE

ESTABLISHMENT OF QUARANTINE

OF MASSACHUSETTS,

FROM THE

SETTLEMENT OF THE COLONY OF MASSACHUSETTS
BAY TO THE PRESENT TIME.



BOSTON:
ROCKWELL AND CHURCHILL, CITY PRINTERS,
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(Rept.?)

OFFICE OF THE BOARD OF HEALTH,
Boston, Jan. 15, 1881.

The material for the history of Quarantine, at the port of Boston, from the time of its establishment to the present, covering a period of two hundred and thirty-four years, has been so difficult of access, and scattered through so many volumes, that for the sake of convenience of reference, and preservation, the Board of Health has caused to be copied from the State and City records all that can be found pertaining thereto, and the same is presented in the following pages.

SAMUEL H. DURGIN,
GEORGE F. BABBITT,
JAMES M. KEITH,
Commissioners.

ACTS

RELATING TO THE

ESTABLISHMENT OF QUARANTINE OF MASSACHUSETTS.

From the settlement of Boston in the year 1630, until the year 1647 (though frequent orders were passed by the "townsmen," regulating the internal health of the town), no measures were taken either by the government of Boston, or General Court of the Colony, to prohibit vessels from landing, having cases of infectious sickness on board, or coming from infected ports.

Information having reached the Colony of Massachusetts Bay that the "plague, or like grievous infectious disease," had "raged exceedingly in the Barbadoes, and other islands of the West Indies," and the Colony trading with them at the same time, it was considered highly expedient to enforce some measures to prevent the introduction of a disease so fatal in character.

Accordingly the General Court, in March, 1647 or '48, passed their first order regulating quarantine of vessels from the aforesaid ports.

This order (a copy of which is appended) was temporary in character, and repealed in about one year afterwards, probably on the termination of the epidemic.

First order of General Court, regulating Quarantine of vessels passed at a session of the General Court the first month (March) 1647 or 1648:—

Forasmuch as this Corte is credibly informed See Records of the Governor and Company of the Mass. Bay in New England, Vol. 2, page 237.
y^t y^e plague, or like grievous in(fectious) disease, hath lately exceedingly raged in y^e Barbadoes, Christopher, & oth^{rs} i(slands) in y^e West Indies, to y^t great depopulat^g of those, it is therefore ordred, y^t all (our own) or oth^r vessels come^g from any pts of y^e West Indies to Boston harbor shall stop (and

[* 200] come to an anchor before they come at y^e Castle, und^r y^e poenalty of 100l, & that no pson comeing in any vessell from the West Indies shall go ashore in any towne, village, or farme, or come within foure rods of any oth^r pson, but such as belongs to the vessels company y^t hee or shee came in, or any wayes land or convey any goods brought in any such vessels to any towne, village, or farme aforesaid, or any oth^r place wthin this iurisdiction, except it be upon some iland where no inhabitant resides, wthout license from y^e councell, or some three of them, und^r y^e aforesaid poenalty of a hundred pound for ev^{ry} offence.

That no inhabitant, seaman, or other pson whatsoev^r, reciding wthin this iurisdiction, shall go a board any such shipp or vessell comeing from the West Indies aforesaid, or buy or otherwise take into his possession any goods or marchandise brought in any such vessell, wthout license as aforesaid, und^r y^e poenalty of 100l, & to be otherwise confined or restrained, as the said councell, or some three of them, shall appoint; & to y^e end y^t all ps ons may have due information hereof, it is hereby agreed, y^t this ord^r shalbe forthwth published, & a coppy thereof sent to y^e Captaine of y^e Castle, togeth^r wth co^mission to him to cause ev^{ry} shipp or other vessell, belonging to y^e country or any oth^r place, y^t shall come from any pt of the West Indies aforesaid, to stop & come to an anchor before they shall passe y^e Castle, & then send unto them a coppy of this order, & there cause them to remaine till furth^r order from y^e Councell, or some three of them, whose counsell is to be taken therein; this ord^r to continue till this Co^rte or the Councell of y^e co^mon wealth shall see cause to repeale y^e same.

It is furth^r ord^red, y^t a coppy of this order shall beforthwth sent to the sev^rall cunstables of ev^{ry} port towne in this iurisdiction, wth warrant to give notice thereof, wth all possible speed, to any vessell comeing from y^e West Indies aforesaid, upon y^e first view thereof, and furth^r to see to y^e execution of this ord^r, according to y^e utmost of their ability, & y^t y^e Councell, or some three of them, shall have pow^r to appoint some convenient place, upon some of y^e ilands or other fit places, where such ps ons & goods shalbe sheltered for a time, &

to do any thing of like nature y^t shall be necessary for their preservation, and welfare of y^e country.

This order was repealed on 2d May, 1649, as follows:—

The Courte doth thinke meete that the order concerning the stoping of West India ships at the Castle should hereby be repealed, seeing it hath pleased God to stay the sicknes there.

See Records of
the Col. of Mass.
Bay in New
England,
Vol. 2, page 280.
West India
ships.

After the repeal of the order in the year 1649, no quarantine was imposed on vessels until 1665. This year ushered in what is popularly known as the great plague in London, or scientifically as typhus fever. Its ravages had been great, and owing to the commercial intercourse between England and the Colony of Massachusetts Bay it was deemed necessary to place restriction on vessels coming therefrom.

Accordingly the following order from the General Court, held at Boston, was passed the 11th of October, 1665. It was intended, like the first order, to be of a temporary character, and was repealed on the 9th of October, 1667. In both cases, the quarantine grounds were adjacent to the Castle, and permission to land either passengers or goods had to be obtained from the governor or council.

11 October [* 554]

At the Sessions of the Generall Court, held at Boston, 11th of October, 1665.

Itt is ordered, that a warrant forthwith issued out from this Court to Mr. W^m. Foster, that he land no goods nor persons till this Court take ffurther order, or that he receive order from the Gouenor & major^r generall, or Deputy Gouenor & Mr. Russell ; nor shall any person whatsoeuer goe on board him or any such vessell wthout such like licence, on poenalty of Imprisonment, that so the dainger of the p^{re}stilence may be prevented as much as maybe ; & that the captain of the Castle stop all vessels coming from England ; and bring them to an anchor, till they, as aforesajd, shall give order for

See Records of
the Governor
and Company of
the Mass. Bay in
New England.
Vol. 4, pt. 2,
page 280.

their coming vp & landing of their goods, that so wee may be found in all due wayes subservient to Providence for the preventing infection by the pestilence. Warrants issued out accordingly to y^e capt^f of y^e Castle & Mr Foster, w^{ch} are on file.

This order remained in force nearly two years. The following is a repeal of the same:—

Att a second Sessions of the Generall Court of Election, held at Boston 9th of October 1667.

See Records of
the Colony of
the Mass. Bay in
New England.
Vol. 4, pt. 2,
page 345.
Order for stop-
ping of shipp^s
at ye Castle re-
pealed.

There being an order made in October, 1665, injoyning the capt^f of the Castle to stop all shipp^s coming from England, for the prevention of the spreading of infection, it is ordered, that that law shall & hereby is repealed.

It will be remembered, that the Records of the Governor and Company of the Massachusetts Bay in New England, edited by Dr. Shurtleff, terminated in the year 1686. In chap. 87, of Acts and Resolves for the year 1687, it was resolved, "That the Governor with the consent of the Council, be authorized to cause to be prepared for publication, the Acts and Laws of the late province of Massachusetts Bay, with such of the laws and orders recorded in the General Court as are of legal and historical importance, from the arrival of the province charter, in the year sixteen hundred and ninety-two, to the seventeenth of June, in the year seventeen hundred and seventy-four." . . .

From the end of the records edited by Dr. Shurtleff, until the beginning of the publication called for by the above resolve, it will be seen that there is an interval of about six years. During the greater part of this period the records are meagre, owing to political troubles. Those preserved in the State Library contain no trace of any quarantine law.

1699 – 1700.

CHAPTER 7.

AN ACT FOR THE BETTER PREVENTING OF THE SPREADING OF INFECTIOUS SICKNESSES.

Whereas ships and other vessels arriving within this province, from parts beyond the seas, are oft-times during their passage visited with the small pox, and other infectious sicknesses, or come from places where such sicknesses are prevailing and epidemic, bringing with them cotton wool or other commodities in which the contagion is liable to be conveyed, and has in time past proved to be of pernicious and fatal consequence to the people of this province, the masters or commanders of such ships or vessels, not taking that due care as in such case they ought, to give information thereof before they bring their ships into harbour, and have landed their passengers or goods ; for prevention of which mischief for future, and that this province by the blessing of God may be preserved from the coming in and spreading of contagious mortal sicknesses ; —

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

SECTION 1. That no master or commander of any ship or vessel arriving to any port or harbour within this province, in which ship or other vessel, any person, passenger or seaman upon their passage shall be visited with the small pox or any other contagious sickness, or shall come from any port or place where any such sickness is epidemic and prevailing, may presume to sail or bring his ship or vessel within or above the castle or fort (where any such is), or within the space of half a mile next unto any peer, wharf or landing-place in such harbour where no fortification is, without license first had for so doing from the governour or commander-in-chief of this province for the

Passed July
18th.
See Province
Laws, Vol. 1,
page 376.

Disallowed by
the privy Coun-
cil.

October 22, 1700.

*Ships visited
with sickness or
coming from
any place visited
with sickness,
not to come
above the castle,
&c.; without
license.*

time being, or from the two next justices of the peace, if such harbour lye more than ten miles distant from the place of the governour's residence, nor shall permit or suffer any of his passengers or seamen to be landed or brought on shore, or any person or persons to come on board without licence as aforesaid first had and obtained for the same, on pain that every master or commander of any ship or other vessel offending against this act shall forfeit unto his majesty the sum of one hundred pounds for and towards the support of the government of this province, to be recovered by action, bill, plaint or information in any of his majesty's courts of record within the same, wherein in no essoign, protection or wager of law to be allowed.

Captain of the
castle, &c., to
inquire of the
health of ships.

SECT. 2. And, to the intent that all masters or commanders of ships or other vessels not belonging to this province may be duly informed of their duty by this act required, the captain of the castle, and the chief officer of every other fort or fortification in any other port or harbour within the same, are hereby commanded or enjoyned to examine and enquire of the health of all ships and other vessels arriving to the same, and to acquaint the masters or commanders thereof of the import of this act.

And be it further enacted by the authority aforesaid,

Penalty for any
passengers or
seamen to come
on shore with-
out license.

SECT. 3. That if any passengers or seamen arriving in any ship or vessel, visited with the small pox or other pestilential or infectious sicknesses upon her voyage, shall presume to come on shore before license had as aforesaid, it shall and may be lawful to and for any justice of the peace to require or send such person or persons, with their cloathing and bedding, or board such vessel again, or to confine them to such other place or places as such justice shall judge most suitable for preventing of infection; and all the cost and charges arising thereupon to be answered and paid by the passenger or seaman so offending as aforesaid, who also shall forfeit the sum of twenty pounds to the use aforesaid and to be recovered in manner as aforesaid. [Passed and published July 18.]

1701-2.

CHAPTER 9.

AN ACT PROVIDING IN CASE OF SICKNESS.

Be it enacted by the Lieutenant Governour, Council, and Representatives in General Court assembled, and by the authority of the same,

SECTION 1.

SECT. 2.

SECT. 3.

*And be it further enacted by the authority afore-
said,* See Province
Laws, Vol. 1,
page 469.

SECT. 4. That if any person or persons, seamen or passengers, belonging to or transported in any ship or vessel, arriving to any port or harbour within this province, happen to be visited with the plague, small pox, pestilential or malignant fever, during the voyage, or to come from any place where such sickness prevails and is common, any justice or justices of the peace within the county, to whom the notice or information thereof shall be given, shall forthwith take care to prevent and restrain all persons belonging to or transported in such ship or other vessel from coming on shore, and if any be before on shore to send them on board again, as also to restrain persons from going on board such ship or vessel; and to that end may make out a warrant, directed to the sheriff of the county or his deputy, or constables of the same town, who are accordingly impowred, and required to execute the same.—

And such justice or justices are forthwith to transmit the intelligence thereof to the governour or commander-in-chief for the time being, who is hereby impowred, with the advice and consent of the council, to take such further order therein as they shall think fit for preventing the spreading of the infection.

[Passed June 25; Published June 28.]

Hitherto the Province of Massachusetts Bay had been without a quarantine hospital; accordingly on the eleventh of June, 1716, a committee was appointed to investigate a proper location. On the 23d November in the same year they made the following report: —

Nov. 23, 1716. The report of the Committee appointed the eleventh of June last to Investigate a suitable Place for an Hospital for infectious Persons viz.

In Obedience to the aforesaid Order We have searched both by Land and Water the most convenient Places in & about Boston Harbour, & find Spectacle Island & Squantum Neck to be the two most convenient Places for such an Hospital, & discoursed the owners about it.

M^r Bill refuses to sell any Part of Spectacle Island in Fee, but demands ten Pounds per Annum for the Use of one Acre of his Land for that Service. M^r Bull demands Fifty Pounds for one Acre in Fee upon the South East Part of the Moon, and Liberty to pass and repass, Which Place being equally convenient with the other, besides that it is to be bought outright, that it lies more out of the common Road of Shipping & that it can be come at both by Water & Land, We recommend that as the fittest place: We herewith offer the Draught of a House, Which we reckon most agreeable to that occasion, The Charge whereof with a Well, Fencing, a Shed to House infectious Goods in & other Accommodations We compute will amount to between One Hundred & fifty & Two Hundred Pounds: We offer also some Minutes Which we judge convenient to be drawn into An Act: All which is humbly submitted to this Hon^{ble} Court

By Order of the Committee

ADAM WINTHROP

Boston Nov. 15, 1716

The following Vote pass'd in the House of Representatives upon the aforesaid Report of the Committee; Read and Concur'd: Viz,

"Voted that this Report be so far Accepted, that the Acre of Land mentioned therein on Squantum Neck with necessary Privileges be purchased

See Province
Laws, Vol. 2,
page 95.

& paid for out of the publick Treasury, The Title to be vested in the Province Treasurer for the Time being for the Use of this Province.

That One Hundred & fifty Pounds be allowed out of the publick Treasury for erecting necessary Buildings &c. thereon ; That Samuel Thaxter & William Payne, Esq^{rs} be a Committee to take Care for the Building & Fitting the Hospital as soon as may be ; And that the said Committee prepare and lay before this Court a Draught of a Bill enacting as they shall think necessary on this Occasion.

Consented to, SAM^{LL} SHUTE

[*Council Records, Vol. X., pp. 122-3.*]

"April 11, 1717. The following Order pass'd in the House of Represent^{ves} Read and Concur'd ; Viz, Upon Reading a Petition of a considerable Number of the Inhabitants of the Towns of Dorchester, Braintree & Milton Praying that a Hospital for the Entertainment of Infectious Persons may not be Erected on Squantum Neck in Dorchester aforesaid, As has been proposed in the Committees Report appointed for that Purpose. Ordered that Adam Winthrop, William Payne, Samuel Thaxter & Jonathan Dowse Esq^{rs} be a Committee to find out & agree for a more suitable Place for the Building a Hospital, That it may be Erected with all convenient Speed ; Consented to,

SAM^{LL} SHUTE."

[*Ibid., pp. 141-2.*]

"May 15, 1717. In answer to a motion of a Committee of y^e Genⁿ Assembly,

Voted, That the Selectmen be impowered to Lease a piece of Land on Dere Island not exceeding one acre, for a Term not exceeding ninty nine years to be improved for the erecting an Hospitall or Pest House there for the reception and entertainment of sick persons comeing from beyond sea, and in order to prevent the Spreading of Infection." [*Boston town-records, Vol. 2, p. 373.*]

Aug. 9, 1717. Samuel Bill and wife conveyed, for £100, to Jeremiah Allen, treasurer of the province, and his successors, the southerly end of Spectacle Island. (See Suffolk Registry of Deeds,

lib. 32, fol. 44.) By this deed it appears that the cellar of the hospital had been already dug. (See, further, Shurtleff's Topographical and Historical Description of Boston, pp. 512-515.)

"Oct. 29. 1717. An Accompt of the Charges on the Hospital built on Spectacle Island amounting to One Hundred & seventy three Pounds, Was given in to the House of Representatives by Coll. Thaxter and Mr W^m Payne

Read & Committed ; Read & Resolved that so much be further allowed & paid out of the publick Treasury, as with what has been already paid on this Account shall make up the sum of One Hundred & seventy three Pounds to discharge this Accompt.

And the Committee are desired to proceed in making a Fence & Well at the best Rate they can : Sent up for Concurrence, Read & Concur'd :— Consented to,

SAM^{LL} SHUTE

Council Records, p. 188.

"Nov. 28, 1719. A Petition of Samuel Bill of Boston shewing that upon his Petition presented to the General Assembly at their Session in October 1718 he obtained a Vote for Three Pounds as a Recompence for his Damage sustained from those that were Ordered by this Government to abide on Spectacle Island, that he humbly conceives his Allowance would have been much greater had he particularly sett forth his Damage, which is as follows, While the Hospital was building on the said Island seventy Passengers from Ireland, in a Vessel that had the Small Pox were put on Shoar on the Island by Order of the Government & tarried there six Weeks in which time they trod down several Acres of Grass fit for Mowing, & cut down nine or ten large Trees, that some of the poor People being sick and in perishing Circumstances, the Petitioner spent above three Pounds in Relieving them, that since the Building the Hospital he has supplied it with Water & has been serviceable in Making Fires & looking after the said Hospital, the Key thereof being committed to him, & that he takes Care that it be wholesome & fit for the Reception of sick People ; And therefore humbly Praying that this Hon^{ble} Court would consider his

Losses & how slender an Allowance has been already made for the same, And seeing they have been occasioned by the Act of the Government, in Placing the Hospital on the said Island & Ordering sick People there, That they would in their great Justice & Goodness Order him such an Allowance, as they shall think proportionable to his Services & Damages as aforesaid.

In the House of Representatives ; Read & Resolved that the Sum of Twelve Pounds be allowed and paid out of the publick Treasury to Samuel Bill the Petitioner in full of all Damages mentioned in his Petition. In Council : Read & Con-

cur'd :— Consented to, SAM^{LL} SHUTE " See Province Laws, Vol. 2, page 96.

1717-18.

CHAPTER 14.

AN ACT IN ADDITION TO AN ACT INTITULÉ " AN ACT PROVIDING IN CASE OF SICKNESS."

Whereas there is now provided at the charge of the province a convenient house on the island called Spectacle Island, for the reception of such as shall be visited with contagious sickness, to keep them from infecting of others, — *Be it therefore enacted by the Governour, Council, and Representatives in General Court assembled, and by the authority of the same.*

SECTION 1. That the Keeper of the lighthouse and the commanding officer of Castle William shall notify and direct the masters of all vessels coming near them, wherein any infectious sickness is or hath lately been, at their coming in, to come to anchor as near the beforementioned house as may be, that the sick persons and everything else on board said ship that may give infection (proper to be put into the said house), may be removed into it with the greater ease and safety.

SECT. 2. That if any master or immediate commander of any such vessel, for the time being, in disobedience to such orders or contrary to this act, come with his vessel, or suffer her to be brought

Ships infected
with sickness to
anchor near
Spectacle
Island.

Penalty for mas-
ters coming up
above the Castle
without leave
from authority.

up above the said castle, come himself, or suffer any of his people or passengers to come ashore, or any boats to come on board, or suffer any goods to be taken out of his vessel, without leave first obtained from the governour and council, or two justices of the peace, and the selectmen of the town of Boston, he shall, for every such offence, forfeit the sum of fifty pounds; and in case he be not able to pay that sum, he shall suffer six months' imprisonment. And the master of every such vessel is hereby directed and impowered to put into the said house, or where the said selectmen shall direct, all such goods as, in the opinion of said selectmen, may carry an infection in them, under the penalty aforesaid.

Infectious goods
to be put into
the hospital.

SECT. 3. That if any sailors or passengers coming in such vessel shall, without the knowledge or consent of the master, presume to come on shore, or up above the said castle, or if any person, from town or country, presume to go on board such vessel, or go to the aforesaid house or hospital in time of infection then, without leave from the authority aforesaid, or if any person put sick into the said house shall presume to go off the island without leave as aforesaid, every person offending in any of the abovementioned particulars shall forfeit the sum of ten pounds; and in case any person be not able to pay said sum he shall suffer two months' imprisonment.

Persons unable
to pay their fine
to suffer impris-
onment.

SECT. 4. All the abovementioned fines to be sued for and recovered by the province treasurer, for the time being; one-third of the fines to be to his majesty for the use of this government, one-third to the informer, and one-third to the province treasurer, for the time being.

SECT. 5. And when and so often as any ship or other vessel shall come to any port or harbour within this province, wherein any infection or infectious sickness is or hath lately been, the justices and selectmen of such place be impowered immediately to order the said vessel and sick persons to the province hospital or house aforesaid, there to be taken care of according to the directions of this act. And when any such ship, vessel or persons cannot without great inconveniency and damage be ordered to the aforesaid house or hospital, in every such case the rules and directions of the afore-

mentioned act already made in case of sickness are to be observed.

SECT. 6. And all repairs and whatsoever is necessary for the accommodation of such persons, shall be taken care of and provided for by the selectmen of the town of Boston aforesaid, at the immediate charge of the province: *provided, nevertheless,* that this is not to be understood to excuse any persons or towns, who, according to the aforementioned law, are obliged to defray the charge that may be occasioned by their sickness or confinement in the said hospital.

Repairs, &c., to
be taken care of
by the selectmen
of the town of
Boston.

SECT. 7. This act to continue in force until the end of the session of this Court, which will begin in May, *anno* one thousand seven hundred and twenty three, and no longer.

[Passed February 14, 1717-18.]

At a session held in May, 1723, the above act was continued until the end of the session of the general court in May, 1728.

See Province
Laws, 1723-4,
chap. 5.

1721-22.

CHAPTER 3.

AN ACT TO OBLIGE ALL SHIPS AND OTHER VESSELS COMING FROM FRANCE, AND OTHER PARTS OF THE WORLD INFECTED WITH THE PLAGUE, TO PERFORM QUARANTINE.

Whereas the plague and other pestilential and mortal distempers are oftentimes transported from one country to another, even over seas, in ships and goods, and the Kingdom of France, and other parts of the Mediterranean, are at this day sorely visited with the plague, and from thence vessels frequently arrive in this province, especially during the summer season, which it is to be feared may bring the pestilence into this country unless great care be taken to prevent the same,—

Preamble.
See 1717-18,
chap. 14.
See Province
Laws, Vol. 2,
page 228.

Be it enacted by His Excellency the Governour, Council, and Representatives in General Court assembled, and by the authority of the same,

Vessels from France and other places infected with the plague to perform quarantine. The place to be assigned by the governor and council. Non-performance in the master, after notification, accounted felony.

SECTION. 1. That every ship or vessel coming from any of the ports of France, or the Mediterranean, shall, before they unlade any goods or part of their cargo, be obliged to perform quarantine at least forty days immediately after their arrival, at such place as shall be assigned by the governour and council for that purpose ; and every master or commander of such ship or vessel, being notified of this act by some justice of the peace or publick officer, that shall presume to unlade any part of his goods or cargo, before he have perform'd such quarantine, or refuse to perform quarantine at such place as he is ordered by the governour and council, shall be deemed a felon, and suffer the pains of death.

And be it further enacted by the authority aforesaid,

Penalty to the passengers and seamen, &c.

SECT. 2. That if any master, passenger, sailor or other person on board any such ship or vessel, shall presume to come on shore until the said ship or vessel have performed her quarantine, or without express licence obtain'd from the governour and council, he shall suffer three years' imprisonment without bail or mainprize.

Masters of the light-house to notify masters of ships of this act.

SECT. 3. And the master or Keeper of the province lighthouse is hereby impower'd and commanded to notify the commanders or masters, of all such ships or vessels arriving at or near Nantasket, that may be supposed to come from places infected with the plague, and give strict charge and notice of this act and the pains and penalties thereof.

And be it further enacted,

Vessels from other parts to perform quarantine on condition.

SECT. 4. That all ships or vessels arriving from Newfoundland, Cape Breton, Canso, or those ports that have been at any time within the space of six months next preceding, in any part of France, or other places infected with the plague, or that have, during their being at Newfoundland, Cape Breton or Canso, taken on board any goods or lading coming from France or other places infected with the plague, shall also be obliged to perform quarantine, as aforesaid, and the master or commander thereof¹ under the same penalties,

¹Sic.

as aforesaid, as to unlading any part of their cargo, or refusing to perform quarantine, as aforesaid. And, for the better preventing the unlading or delivering of any goods out of any ship or vessel coming from any of the places aforesaid, before the master of such ship or vessel can or may be notified of this act, as before directed, —

Be it further enacted by the authority aforesaid,

SECT. 5. That in case it appear by due course of law, that any goods, wares or merchandize whatever be unladed or delivered out of such ship or vessel before she have perform'd her quarantine, as aforesaid, the master or commander of such ship or vessel shall forfeit and pay the sum of five hundred pounds, the one-half thereof to the use of him or them that shall inform and sue for the same, and the other half to be towards the support of his majesty's government of this province ; and further suffer three years' imprisonment without bail or main prize.

Penalty for unlading goods before notification.

And be it further enacted by the authority aforesaid,

SECT. 6. That any person or persons that shall any ways be aiding or assisting to unlade any goods or merchandize out of any ship or vessel coming from any of the aforesaid ports, or any other infected places, as aforesaid, shall pay a fine of one hundred pounds, one-half to him or them that shall inform or sue for the same in any court of record, and the other half to be to and for the use and support of his majesty's government of this province ; and shall further suffer twelve months' imprisonment without bail or mainprize ; any law, usage or custom to the contrary in any wise notwithstanding.

Penalty to the assistants.

SECT. 7. This act to continue in force for the space of three years from the publication thereof, and no longer.

[*Passed September 2.*]

The cause which gave rise to the above act in all probability terminated before, or at the expiration of the three years, as no reenactment appears in the State Records.

1728-29.

CHAPTER 8.

AN ACT IN ADDITION TO AN ACT ENTIT[U]LED
"AN ACT PROVIDING IN CASE OF SICKNESS."

See Province
Laws, Vol. 2,
page 499.

This act is in substance the same as that passed in 1717-18, renewed in May, 1728, of which we quote only, —

SECT. 7. This act to continue in force until the end of the Session of this Court which will begin in May, one thous[an]d seven hundred and thirty-eight and no longer. [Passed June 19th; published June 24.]

The Spectacle Island Hospital continued for the reception of infectious diseases until the year 1737. "From this time [meaning when the hospital was finished and made comfortable for the entertainment of the sick], things went on well at the hospital; repairs, when needed, were made, and everything required for comfort was provided by the town, and paid for by the province. In January, 1735-6, a committee was appointed, and further empowered on the twenty-fourth of March following, for agreeing with the owners of any convenient place as they may think suitable for removing the hospital to, in the harbor of Boston. This committee after being reminded of their duty on the twenty-fifth day of November, reported on the second of December, 1736, that they had performed their duty, and recommended, that the sum of five hundred and seventy pounds be granted and paid out of the public treasury to the Honorable John Jeffries, Esq., and the other select men of Boston, by them to be disposed of for the consideration purchase of a certain island in the harbor of Boston, called Ransford's Island, lying between Long Island and the main land near the town of Hull, to be improved as a Hospital for the Province. At the same time Mr Treasurer Foye

was authorized to execute and pass a deed of sale to Richard Bill, Esq., of Boston, of all the right, title, and estate of the province in that part of Spectacle Island, with the buildings and appurtenances, where the hospital then was, on the receipt of the sum of one hundred and thirty pounds.

"On the thirteenth of December, 1737, the committee reported that they had built a hospital upon Rainsford Island; therefore, that upon Spectacle Island became of no use to the province, and was accordingly sold to Richard Bill, of Boston, and conveyed to him by deed dated seventeenth February, 1738-39."

[See *Topographical and Historical Description of Boston*, by N. B. Shurtleff, pp. 575-6.]

CHAP. 8.—"February 4, 1736-7. In the House of Represent^{ves} Voted That Mr. Speaker & Mr Cook with such as shall be Joined by the Hon^{ble} Board, be a Comm^{tee} to build a suitable and convenient House on Rainsfords Island lying between Long Island & the Main Land near the Town of Hull to be used & Improved as a publick Hospital for the Reception & Accomodation of such sick & infectious persons as shall be sent there by Order —

See Province
Laws, Vol. 2,
page 983.

In Council: Read & Concur'd & William Dudley & Sam^l Welles Esq^{rs} are Joined in the Affair, —

Consented to, J. BELCHER."

[*Council Records*, Vol. xvi., p. 454.]

"October 18, 1737. In the House of Represent^{ves} Read & Ordered that the present Select men of the Town of Boston be and hereby are fully authorized and appointed a Committee to treat with some suitable person to keep the Hospital lately built by Order of this Court at Rainsford's Island, for the reception of the sick and infectious persons, and that the said person be desired and impowered to take all proper care of such Persons as shall be sent to the said Hospital, for twelve months next; And that the Committee agree with the Person for taking care of the sick &c for his time and service therein for the year; And that they render an account of their doings in the premises with an accompt of the Issues and.

Profits which may arise by the produce of the Island the next season, to this Court, in the Fall Sessions of the next year.

In Council ; Read and Concur'd."

[*Ibid.*, Vol. xvii., b. 1, p. 38.]

"June 21, 1738. In the House of Represent^{ves} Ordered that the Select Men of the Town of Boston be and hereby are fully authorized and impowered to agree with some suitable Person to keep the Hospital, lately built by Order of this Court at Rainsford Island for the reception of sick and infectious Persons ; and that the said person be desired and impowered to take all proper care of such persons as may be sent to the said Hospital ; and that the said Select Men be impowered to agree with the Person who may take care of the sick &c. for his time and service therein, by the year.

In Council ; Read and Concur'd.

Consented to J. BELCHER."

[*Ibid.*, p. 244. See Shurtleff's *Hist. & Top. Description of Boston*, p. 524 and seq.]

From the foregoing it appears that a hospital was built on Rainsford's Island, in the year 1737, "to be used and improved as a public hospital for the reception and accommodation of such sick and infectious persons as shall be sent there by order." It continued until 1749, when the hospital and quarantine grounds were transferred to Deer Island and adjacent thereto. Dr. Shurtleff has the following sketch of this hospital in his Topographical and Historical Description of Boston, pp. 524, 525 : —

"A Report of a Committee of this Court lately appointed for building an Hospital or Ransford-Island, showing that they have built an House there of four Rooms on a floor, four upright Chambers and convenient Garrets, and Cellars well-finished and a Well, and suitable Conveniences for the Reception of the Sick, as Occasion may be, dated, Boston, tenth of October, 1737. The members from the town of Boston were empowered on the nineteenth of December, 1737, to prepare a bill for regulating the public hospital on Rainsford Island, which they presented on the twenty-first of the same

month, being an act in addition to the one passed in 1701. This seems to have met with some opposition, as it was not finally passed until the twenty-first¹ of June, 1738. Since then various acts have been passed by the Provincial and State Legislatures on the subject of quarantine; so that Massachusetts may be now regarded as having the best laws on the subject, as well as the best regulated establishment in this country. Until the year 1852² when the State adopted a system of State Almshouses, Rainsford Island was used as a quarantine establishment; since then the city of Boston has been obliged to change its quarantine ground, and the new roads for this purpose are situated near Deer Island, the present residence of the Port Physician, the position having been selected at the time of the severe raging of the ship fever, in the summer of 1847.

1738-39.

CHAPTER 8.

AN ACT FOR REGULATING THE HOSPITAL ON RAINS-FORD'S ISLAND AND FURTHER PROVIDING IN CASE OF SICKNESS.

Whereas a good and convenient house hath lately been built, at the charge of the province, on the island called Rainsford's Island, for the reception of such persons as shall be visited with any contagious sickness,—

Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

SECTION 1. That the commanding officer at Castle William (having orders therefor from the Captain-general or commander-in-ch[e]i[e]f), and the Keeper of the lighthouse, shall notify and direct the masters of all vessel(s) coming near them,

Preamble.
1728-29, chap. 8.

See Province
Laws, Vol. 2,
page 943.

Masters of ves-
sels to be no-
tified of the hos-
pital at their
coming in.

¹ Should read twenty-nine. See Province Laws, Vol. 2, Chap. 8, p. 944.

² This date is erroneous as respects quarantine. It ought to be 1849. See City Records, Vol 27, pp. 335, 385.

wherein an infectious sickness is or hath lately been, at their coming in, to come to anchor as near the before-mention(e)d house as may be, that the sick persons, and everything else on board said ship that may give, infection, proper to [be] put into the said house, may be removed into it with the greater ease and safety.

And be it further enacted by the authority aforesaid,

Rules to be observed referring to infected persons and goods.

SECT. 2. That upon application made by said master or commander, to two of his majesty's justices of the peace, and the selectmen of the town of Boston, the said justices and selectmen are hereby empowered to permit such passengers, goods or lading as they shall judge free from infection, to come on shoar, or be taken out and disposed of as the owners shall see meet; and such passengers and goods as shall not be permitted as aforesaid, shall remain on board, or be put into the said hospital.

Penalty for not observing the said rules.

SECT. 3. And if any master or immediate commander of any such vessel[1], for the time being, shall come on sho[a]r[e], or suffer any of his people or passengers to come on sho[a]r[e], or any boats to come on board, or suffer any goods to be taken out of his vessel[l], unless permitted as aforesaid, or shall come up with his vessel[1] until[1], by a certificate under the hands of two justices, and the selectmen [as] aforesaid, it shall appear to the captain-general that the said vessel[1], company and goods are clear of infection, and the orders for stopping and detaining the same be removed and taken off, he shall, for every such offence, forfeit the sum of fifty pounds; and in case he be not able to pay that sum, he shall suffer six months' imprisonment. And if any sailors or passengers, coming in said vessel[1], shall, without the knowledge or consent of the master, presume to come on sho[a]r[e], or up above the said castle; or if any person, from town or country, presume to go on board such vessel[1] or go to the aforesaid house or hospital, in time of infection there, without leave from the authority aforesaid; or if any person, put sick into the said house, or sent there on suspicion of being infected, shall presume to go off the island without leave as afore-

said, every person offending in any of the above-mentioned particulars, shall forfeit the sum of ten pounds. And in case any person be not able to pay [the] said sum he shall suffer two months' imprisonment[en]t. All the above-mentioned fines to be sued for and recovered by the province treasurer for the time being; one-third of the fines to be to his majesty for the use of this government[en]t, one-third to the informer, and one-third to the province treasurer for the time being.

Fines how to be recovered and disposed of.

And be it further enacted by the authority aforesaid,

SECT. 4. That when and so often as any ship or other vessel[1], wherein any infection or infectious sickness hath lately been, shall come to any port or harbour within this province, or when and so often as any person or persons belonging to, or that may, either by sea or land, come into any town or place near the publick hospital within this province, shall be visited, or who lately before may have been visited, with any infectious sickness, the justices and selectmen of such place be empowered immediately to order the said vessel[1] and sick persons to the province hospital or house aforesaid, there to be taken care of according to the direction of this act.

Infected vessels, persons, &c., to be ordered to the hospital.

And when any such ship, vessel[1] or persons cannot, without any great inconvenience and damage, be ordered to the aforesaid house or hospital, in every such case the rules and directions are to be observed, which are already made in and by the act pass'd in the thirteenth year of the reign of his late majesty, King William the Third, intitled, "An Act providing in case of sickness."

SECT. 5. And the selectmen of Boston are directed and empowered to provide nurses, assistance and other necessaries for the comfort and relief[e]i[e]f of such sick persons sent to said hospital as aforesaid; the charge thereof to be born[e] by the said persons themselves, if able; or, if poor and indigent, then at the immediate charge of the province.

How necessaries for the sick are to be provided.

SECT. 6. This act to continue in force until[1] the end of the session of this court in May, anno one thousand seven hundred and forty-three, and no longer. [Passed June 29; published June 30.]

Limitation.

1743-44.

CHAPTER IX.

AN ACT FOR REGULATING THE HOSPITAL ON RAINS-FORD['S] ISLAND AND FURTHER PROVIDING IN CASES OF SICKNESS.

Preamble.
1738-39, chap. 8.

See Province
Laws, Vol. 3,
page 124.

Whereas a good and convenient house hath been provided at the charge of the province, on the island called Rainsford's Island, for the reception of such persons as shall be visited with any contagious sickness,—

Be it therefore enacted by the Governour, Council and House of Represent[ati]ves,

Masters of in-
fected vessels to
be notified when
to come to
anchor.

SECTION 1. That the commanding officer at Castle William, and the Keeper of the lighthouse, shall notify and direct the masters of all vessels coming near them, wherein any infectious sickness is or hath lately been, at their coming in, to come to anchor as near the beforementioned house as may be, that the sick persons, and everything else on board said ship that may give infection (proper to be put into the said house), may be removed into it with the greater ease and safety.

And be it further enacted,

Leave to be had
of the selectmen
for landing pas-
sengers or
goods.

SECT. 2. That upon application made by said master or commander, to the selectmen of the town of Boston, the said selectmen are hereby empowered to permit such passengers, goods or lading as they shall judge free from infection, to come on shore, or be taken out and disposed of as the owners shall see meet; and such passengers and goods as shall not be permitted as afores[ai]^d, shall remain on board, or be put into the said hospital.

Forfeiture for
contempt by the
master.

SECT. 3. And if any master or immediate commander of any such vessel for the time being, shall come on shore, or suffer any of his people or passengers to come on shore, or any boats to come on board, or suffer any goods to be taken out of his

vessel, unless permitted as aforesaid, or shall come up with his vessel, until [1], by a certificate, under the hands of the selectmen as aforesaid, it shall appear to the captain-general that the said vessel, company and goods are clear of infection, and the orders for stopping and detaining the same be removed and taken off, he shall, for every such offence, forfeit the sum of fifty pounds; and in case he be not able to pay that sum, he shall suffer six months' imprisonment [n]. And if any sailors or passengers, coming in said vessel, shall, without the knowledge or consent of the master, presume to come on shore, or up above the said castle, or if any person from town or country presume to go on board such vessel, or to go to the aforesaid house or hospital in time of infection there, without leave from the authority aforesaid [ai]^d; or if any person, put sick into the said house, or sent there on suspicion of being infected, shall presume to go off the island without leave as aforesaid; every person offending in any of the above mentioned particulars, shall forfeit the sum of ten pounds; and in case any person be not able to pay the said sum, he shall suffer two months' imprisonment [en]^t.

Penalty for sick or suspected persons offend-ing against this act.

And be it further enacted,

SECT. 4. That when and so often as any ship or other vessel, wherein any infection or infectious sickness hath lately been, shall come to any port or harbour within this province; or when and so often as any person or persons belonging to, or that may, either by sea or land, come into any town or place near the publick hospital within this province, shall be visited, or who lately before may have been visited, with any infectious sickness, two of the justices of the peace, and selectmen of such place, be empowered immediately to order the said vessel and sick persons to the province hospital or house aforesaid [ai]^d, there to be taken care of according to the direction of this act; and when any such ship, vessel or persons cannot, without any great inconvenience and damage [m], be ordered to the aforesaid [ai]^d house or hospital, in every such case the rules and directions are to be observed, which are already made in and by the act pass'd in the thirteenth year of the reign of

Two justices and selectmen to order sick persons to the hospital.

1701-2, chap. 9. his late majesty King William the Third, [e] [i]n titled, "An act providing in case of sickness."

And be it further enacted,

Penalty for not
answering on
examination.

SECT. 5. That if any master, seaman or passenger belonging to any ship on board which any infection is or hath lately been, or is suspected to have lately been, or coming from any port where any infectious mortal distemper prevails, shall refuse to make answer upon oath to such questions as may be asked by the selectmen of the town to which such ship shall come, relating to such infection, such master, seaman or passenger shall forfeit the sum of fifty pounds; and in case he be not able to pay said sum, he shall suffer six months' imprisonment; all the abovementioned fines to be sued for and recovered by the province treasurer for the time being, one third of the fines to be to his majesty, for the use of this governm[en]^t, one third to the informer, and one third to the province treasurer for the time being. And when any person shall be convicted of any offence against this act, and suffer the pains of imprisonment, and shall be unable to pay the costs of prosecution, such costs shall be allowed and paid out of the province treasury.

Selectmen of
Boston to pro-
vide nurses, &c.

SECT. 6. And the selectmen of Boston are directed and impowered to provide nurses, assistance and other necessaries for the comfort and rel[ei][ie]f of such sick persons sent to said hospital as aforesaid, the charge thereof to be born by the said persons themselves if able, or if poor and indigent, then at the immediate charge of the province.

Limitation.

SECT. 7. This act to continue in force five years from the publication thereof, and to the end of the session of the general court next after, and no longer.

[*Passed and published March 5, 1743-44.¹*]

¹ No date is affixed to the governor's signature on the engrossment of this act, but, according to Secretary Willard's report, it was signed March 5. In the records, however, the date of passage is given as above.

1749-50.

CHAPTER VI.

AN ACT REGULATING THE HOSPITAL ON RAINSFORD ISLAND, AND FURTHER PROVIDING IN CASE OF SICKNESS.

Whereas a good and convenient house hath been provided, at the charge of the province, on the island called Rainsford's Island, for the reception of such persons as shall be visited with any contagious sickness, —

Be it therefore enacted by the Governour, Council and House of Representatives,

SECTION 1. That enquiry shall be made by the officer or other person on duty at Castle William, of every vessel coming from sea and passing by said castle, whether they are all well on board, and also whether any infectious sickness has been on board since they left the port from whence they last came; and if any vessel enquired of as aforesaid shall have any sickness on board, and upon further enquiry the same shall appear to be the plague, small-pox or any other malignant, infectious distemper, in such case order shall be given to the master or commander of such vessel forthwith to go down with his vessel, and anchor as near the hospital at Rainsford's Island as conveniently may be; or if any vessel inquired of as aforesaid shall have had any infectious sickness on board since they left the port from whence they last came, in such case orders shall be given to the master or commander of such vessel immediately to anchor, and to remain at anchor until [1] a certificate shall be obtained from the major part of the selectmen of the town of Boston, that they are of opinion such vessel may come up to town without danger to the inhabitants, or until [1] the said master shall receive orders from the said selectmen to go with his vessel and anchor near the hospital aforesaid; and in case any master or

Preamble.
1743-44, chap. 19.

See Province
Laws, Vol. 3,
page 476.

Inquiry to be
made at the cas-
tle respecting
infectious ves-
sels.

Selectmen to
certify the safety
of vessels com-
ing into the
harbor.

commander shall, by himself or people on board, make false answer when hail'd by the castle, or, after orders given as aforesaid, shall neglect or refuse to anchor near the castle as aforesaid, or come on shoar, or suffer any passengers or persons belonging to the vessel to come on shoar, or any goods to be taken out before the vessel shall have anchor'd or without liberty from the selectmen as aforesaid, or in case any master or commander, ordered to anchor near the hospital aforesaid, shall neglect or refuse so to do, in every such case every master or commander so offending shall forfeit and pay the sum of one hundred pounds, or suffer six months' imprisonment.

Penalty for the master's offence.

Leave to be had of the selectmen for landing passengers or goods.

And be it further enacted,

SECT. 2. That upon application made to the selectmen of the town of Boston by any master or commander of any vessel at anchor near the hospital aforesaid, the said selectmen are hereby impow[e]red to permit such passengers, goods or lading, as they shall judge free from infection, to come on shoar, or be taken out and disposed of as the owners shall see meet; and such passengers and goods as shall not be permitted as aforesaid, shall remain on board, or be bonded in said island.

Forfeiture for contempt by the master and others.

SECT. 3. And if any master or immediate commander of any such vessel, for the time being, shall come on shoar, or suffer any of his people or passengers to come on shoar, or any boats to come on board, or suffer any goods to be taken out of his vessel, unless permitted as aforesaid, or shall come up with his vessel unti[1], by a certificate under the hands of the selectmen or major part of them as aforesaid, it shall appear to the captain-general that the said vessel, company, and goods are clear of infection, and the orders for stopping and detaining the same be removed and taken off, he shall for every such offence forf[ie][ei]t the sum of fifty pounds; and in case he be not able to pay that sum, he shall suffer three months' imprisonment: and if any sailors or passengers coming in said vessel shall, without the knowle[d]ge or consent of the master, presume to come on shoar, or up above the said castle, or if any person from town or country shall, knowingly, pre-

sume to go on board such vessel, or go to the aforesaid house or island in time of infection there, without leave as aforesaid; or if any person put sick into the said house, or sent there on suspicion of being infected shall presume to go off the island, without leave as aforesaid,—every person offending in any of the particulars above mentioned, shall forfeit the sum of forty pounds; and in case any person be not able to pay the said sum, he shall suffer two months' imprisonment: all the before-mentioned fines to be sued for and recovered by the selectmen of the town of Boston, for the time being; one moiety thereof to be to his majesty for the use of this governm[en]t, the other moiety to the informer.

And be it further enacted,

SECT. 4. That when and so often as any ship or other vessel, wherein any infection or infectious sickness has lately been, shall come to any port or harbour within this province; or when and so often as any person or persons belonging to, or that may either by sea or land come into, any town or place near the publick hospital within this province, shall be visited, or who lately before may have been visited with any infectious sickness, two of the justices of the peace or selectmen of such place be and hereby are impow[e]red immediately to order the said vessel and sick persons to the province hospital or house aforesaid, there to be taken care of according to the direction of this act; and when any such ship, vessel or persons cannot, without great inconvenience and damage, be ordered to the aforesaid house or hospital, in every such case the rules and directions are to be observed which are already made in and by the act pass'd in the thirteenth year of the reign of his late majesty King William the Third, [e][i]nit[u]led "An Act providing in case of sickness." 1701-2, chap. 9.

Justices of the
peace to order
infectious ves-
sels or persons
to the hospital.

And be it further enacted,

SECT. 5. That if any master, seaman or passenger belonging to any ship, on board which any infection is or hath lately been, or is suspected to have lately been, or coming from any port where any infectious, mortal distemper prevails, shall refuse to make answer upon oath to such questions

Penalty for not
answering on
oath, referring
to infection.

as may be asked by the selectmen of the town, who are hereby impow[e]red to administer the same, to which such ship shall come, relating to such infection, such master, seaman or passenger shall forfeit the sum of fifty pounds; and in case he be not able to pay said sum, he shall suffer six months' imprisonment; the above mention[e]d fine to be sued for and recovered by the selectmen of the respective towns where the offence shall be committed; one moiety thereof to be to his majesty to the use of this government, and the other moiety to the informer. And when any person shall be convicted of any offence against this act, and suffer the pains of imprisonment, and shall be unable to pay the costs of prosecution, such costs shall be paid by the several towns to which such persons respectively belong; or, if not inhabitants, shall be allowed and paid out of the province treasury.

SECT. 6. And the selectmen of Boston are directed and impow[e]red to provide nurses, assistants and other necessaries for the comfort and rel[ei][ie]f of such sick persons sent to said hospital as aforesaid; the charge thereof to be borne by the said persons themselves, if able; or, if poor and indigent, by the towns to which they respectively belong; or, if not inhabitants, then at the immediate charge of the province.

Continuance of
the act.

SECT. 7. This act to be and continue in force until[1] the first day of September, which shall be in the year of our Lord one thous[an]d seven hundred and fifty-six, and to the end of the session of the general court next after, and no longer.

[Passed August 12; published August 26.]

1757.

CHAPTER 33.

AN ACT FOR REGULATING THE HOSPITAL ON RAINS-FORD'S ISLAND AND FURTHER PROVIDING IN CASE OF SICKNESS.

This act is a reënactment of the act of 1749-50 <sup>See Province Laws, Vol. 3,
with this difference, that there is no limitation.¹ page 1042.</sup>
See also some slight alterations in Sections 2 and
5 of said act.

In Section 4 of the acts passed on the 12th August, 1750, and April 4, 1757, no penalty is affixed for their violation. In order to meet this requirement, the following act was passed :—

Anno Regni Regis Georgii II Tricesimo Primo

1758.

CHAPTER 3.

AN ACT IN ADDITION TO AN ACT INTITLED, "An Act ^{Preamble.} for regulating the hospital on Rainsfords-island and further providing in case of sickness."

Whereas in and by an Act Intitled, "An act for regulating the Hospital on Rainsford's Island, and further providing in Case of Sickness, it is provided, That when and so often as any Ship or other Vessel, wherein any Infection or infectious sickness hath lately been, shall come to any Port or Harbour within this Province, or when and so often as any Person or Persons, belonging to or that may either by Sea or Land, come into any Town or Place near the public Hospital within this Province shall be visited with any infectious Sickness; two of the Justices of the Peace or Select Men of such Place, be and are hereby empowered immediately

¹ The copy of the act from which this was taken is Vol. III. of the "Acts and Resolves of the Province of Mass. Bay," edited by Clifford, Ames, and Goodell; but it appears, from the old State records, that this act was continued until July 1st, 1770, and thence to the year 1775.

to order the said vessel and sick Persons to the Province Hospital or House aforesaid to be taken Care of:

But no Penalty is annexed to the Breach of the afore-recited Paragraph of said Act: Wherefore, Be it enacted by the Gouvernor Council and House of Representatives, That when any Ship or other Vessel, wherein any infectious sickness is or hath lately been, shall come to any Port or Harbour in this Province, and either two Justices or the Select-Men of the Place shall order the said Vessel to the Province Hospital; and the Master or Mariners of such Vessel, shall refuse or delay by the Space of six Hours after said Order, given to said Master or either of the Owners of said Vessel, or of the Factors of either of said Owners, to come to fail, if Wind and Weather permit, in order to proceed to said Hospital, the Master of said Vessel shall forfeit and pay the sum of One Hundred Pounds, and suffer six Months Imprisonment; one half of said fine to be to the Informer or Prosecutor, and the other half to the Poor of the Town or District, to which such Port or Harbour belongs; the Offender to be prosecuted in any Court of Justice proper to try the same.

See Mass. Perpetual Laws, 1692-1760, Ed. of 1742, and Sup. State Library.

During the period of the Revolution there was no act passed relating to quarantine. The hospital had suffered damage from the enemy. Accordingly, on June 12, 1780, the following resolve was adopted, appointing the Selectmen of Boston a committee to repair the same:—

"Whereas it has been represented by the Selectmen of the town of Boston, and made to appear to this Court, that the State hospital on Rainsford's Island has been much damaged by the enemy, and stands in need of immediate repair: Therefore, Resolved That the selectmen of the town of Boston be, and they are hereby appointed a Committee to make (in the cheapest and most expeditious manner that may be) such repairs at said hospital as they shall judge necessary for the suitable accommodation of the sick, and lay their accounts before

Justices of the Peace, &c., to order infectious vessels or persons to the hospital.

the Committee on accounts, for examination, and payment ; and they are also empowered to take from Long-Island one or more of the barracks for the purpose of such repairs."

On June 22, 1797, the following act was passed, greatly increasing the power of the selectmen of the town of Boston over quarantine : —

CHAPTER XVI.

AN ACT TO PREVENT THE SPREADING OF CONTAGIOUS SICKNESS.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That for the better preventing the spreading of infection when it shall happen that any person or persons coming from abroad, or belonging to any town or place within this State, shall be visited, or shall lately before have been visited with the plague, small-pox, pestilential or malignant fever, or other contagious sickness, the infection whereof may probably be communicated to others, the selectmen of the town where such person or persons may arrive, or be, are hereby empowered to take care and make effectual provision in the best way they can for the preservation of the inhabitants, by removing such sick or infected person or persons, and placing him or them in a separate house or houses, and by providing nurses, attendance, and other assistance and necessaries for them, which nurses, attendance and other assistance and necessaries, shall be at the charge of the parties themselves, their parents or masters (if able), or otherwise at the charge of the town or place whereto they belong ; and in case such person or persons are not inhabitants of any town or place within this State, then at the charge of the Commonwealth.

Selectmen to remove and accommodate persons sick with contagious distempers.

SECT. 2. *And be it further enacted,* That any person or persons coming from any place out of the State, where the small pox or other malignant distemper is prevailing, into any town within this State, shall, when thereto required by the select-

men of such town, within the space of two hours from the time they shall be first informed of their duty by law in this particular, give notice to one or more of the selectmen, or the clerk of such town, of their coming there, and of the place from whence they came, upon pain of forfeiting, in case of neglect, the sum of *one hundred dollars*. And such person or persons, if not disabled by sickness, shall, within the space of two hours after warning given to him or them by the selectmen of such town for that purpose, depart from this State, in such manner and by such road, as the said selectmen shall direct; and in case of refusal, it shall be lawful for any Justice of the Peace in the County where such town may lie, by a warrant directed to a constable or other proper officer or other person whom the Justice shall judge proper, to cause such person or persons to be removed into the State from whence he or they may have come; and any person removed by warrant as aforesaid, who, during the prevalence of such temper, shall presume to return into any town of this State, without liberty first obtained from such justice, shall forfeit and pay the sum of *four hundred dollars*; and any inhabitant of this State, who shall entertain in his house any person warned to depart as aforesaid, for the space of two hours after notice given him of such warning, by one or more of the selectmen aforesaid, shall forfeit or pay the sum of *two hundred dollars*.

Penalty for retaining without previous permission.

Penalty for retaining persons warned to depart.

Persons may be appointed to attend at ferries, &c.

Their power.

SECT. 3. *And be it further enacted*, That it shall and may be lawful for the Selectmen of any town near to, or bordering upon, either of the neighboring States, to appoint by writing under their hands, some meet person or persons to attend at ferries or other places by or over which passengers may pass from such infected places; which person or persons so appointed, shall have power to examine such passengers as they may suspect to bring infection with them, and, if need be, to hinder and restrain them from travelling, until licensed thereto by a Justice of the Peace within such county, or by the selectmen of the town in which such person or persons may come; and any passenger, who coming from such infected place, shall (without license aforesaid) presume to travel within this State, unless it be to return by the

most direct way to the State from whence he came, after he shall be cautioned to depart by the person or persons appointed as aforesaid, shall forfeit and pay the sum of *one hundred dollars*; the several forfeitures aforesaid to be recovered by action of debt in any Court of Record proper to try the same, one moiety to and for the use of the town where the offence shall be committed, the other moiety to the use of the person who may sue for the same.

SECT. 4. *And be it further enacted*, That if need be, any two Justices of the Peace may make out a warrant directed to the Sheriff of the County, or his deputy, or Constables of the town or place where any such sick person or persons may be, requiring them or any of them, in the name of the Commonwealth, with the advice and direction of the Selectmen of the same, to remove such infected person or persons, or to impress and take up convenient houses, lodgings, nurses, attendance and other necessaries, for the accommodation, safety and relief of the sick. And such Sheriff, his Deputy and Constable, are hereby authorized and required to execute such warrant accordingly.

SECT. 5. *And be it further enacted*, That whenever there shall be brought into any town within this State, either from any other town therein or from ports without the State, any baggage, cloathing or goods of any kind whatsoever, and it shall be made to appear by the selectmen of the town to which such baggage, clothing, or other goods shall be brought, or by the major part of such Selectmen, to the satisfaction of any Justice of the Peace, that there is just cause to suspect baggage, clothing or other goods to be infected with the plague, small pox, pestilential fever or other malignant contagious distemper, it shall be lawful for such justice of the Peace, and he is hereby required in case, by warrant under his hand and seal, directed to the Sheriff, or his Deputy, or any Constable of the town in which such baggage, clothing, or other goods shall be, requiring him to impress so many men as said Justice shall judge necessary to secure such baggage, clothing, or other goods, and said men to post as a guard and watch over the house or other place or places where such baggage, or clothing shall be lodged;

*Sheriffs, &c.,
may be required
to remove in-
fected persons,
or take up
houses, &c.*

*Baggage, goods,
&c., to be
secured if
infected.*

To be guarded.

which guard and watch are hereby required to take effectual care to prevent such baggage, clothing, or other goods being removed or intermeddled with, by any persons whatsoever, until due inquiry be made into the circumstances thereof, requiring likewise the said Sheriff, his deputy or the constable aforesaid, if it shall appear necessary, with the advice and direction of said Selectmen, to impress and take up convenient houses or stores, for the receiving, lodging and safe keeping of such baggage, clothing or other goods until the same shall be sufficiently cleansed from infection : And in case it shall appear highly probable to the said Justice, that such baggage, clothing, or other goods are infected as aforesaid, he is hereby empowered and directed to issue his warrant in manner as aforesaid, requiring said Sheriff, his deputy, or any Constable, or other person therein specially named, to remove said baggage, clothing, or other goods to some convenient place where there shall be the least danger of the infection spreading ; there to remain, until the same shall be sufficiently aired and freed from infection in the opinion of said Selectmen ; and the said Sheriff, Deputy Sheriff, or Constable in the execution of said warrants are empowered and directed, if need be, to break up any house, warehouse, shop or other place, particularly mentioned in said warrant, where such baggage, clothing, or other goods shall be ; and in case of opposition, to require such aid as shall be necessary to effect the execution of said warrants, and repel such opposition ; and all persons are hereby required at the commandment of either of the said officers, having either of the warrants aforesaid, under penalty of *ten dollars*, to be recovered before any Justice of the Peace in the County where such opposition may happen, to assist such officer in the execution of the same warrant, against any opposition as aforesaid ; and the charges of securing such baggage, clothing, or other goods, and of airing or transporting the same, shall be borne and paid by the owners thereof, at such rates and prices as shall be appointed by the Selectmen of the town where such baggage, clothing, or other goods shall be, to be recovered by action of debt, by any person or

If necessary to
be stored till
free from in-
fection.

Or may be re-
moved at a dis-
tance.

Warehouses,
&c., may be
broken up in
search of in-
fected baggage,
&c.

Citizens to af-
ford assistance if
called upon.

Expenses of re-
moval, &c., to
be defrayed by
their owner.

persons who may have been employed in the business aforesaid, in any Court of Record proper to try the same.

SECT. 6. *And be it further enacted,* That inquiry shall be made by the officer or other person on duty at the castle in the harbour of *Boston*, of every vessel coming from sea, and passing by the said castle, whether any infectious sickness be on board, or has been on board, since such vessel left the port from whence she last came; and if any such vessel has any sickness on board, or has had any on board, since her leaving such port, in such case, order shall be given by said officer, or other person on duty, to the master or commander of such vessel, immediately to anchor, and to remain at anchor until a certificate shall be obtained from the major part of the selectmen of the town of *Boston*, that they are of opinion such vessel may come up to the town without danger to the inhabitants, or until the said Master or commander shall receive orders from the said Selectmen to anchor his vessel near the Hospital on *Rainsford's Island*, in the harbour of *Boston*. And in case any master or commander of a vessel shall by himself or the people on board, make false answer, when enquired of as aforesaid, by the officer or other person on duty as aforesaid, or after orders are given as aforesaid, shall neglect or refuse to anchor near the Castle as aforesaid, or come on shore, or suffer any passenger or other person belonging to the vessel to come on shore, or any goods to be taken out before the vessel shall have anchored, or without liberty from the Selectmen as aforesaid; or in case any master or commander of a vessel ordered to anchor near the Hospital aforesaid, shall neglect or refuse so to do; in every such case, every master or commander so offending, shall forfeit and pay for each offence the sum of *four hundred dollars*, or suffer six months imprisonment.

SECT. 7. *And be it further enacted,* That upon application made to the selectmen of the town of *Boston* by any master or commander of any vessel at anchor near the Hospital as aforesaid, the said selectmen are hereby empowered to permit such passengers, goods, or lading, as they shall judge free from infection to come on shore; or to be taken out and disposed of as the owners shall see

Inquiry to be
made of vessels
passing the cas-
tle.

Vessels to be
detained if con-
ceived infec-
tious.

Penalty for
falsely answer-
ing at the castle.

Goods supposed
free of infec-
tion may be per-
mitted to be
landed.

fit ; and such passengers and goods as shall not be permitted as aforesaid, shall remain on board or be landed on said Island ; and if any master or commander of any such vessel, for the time being, shall come on shore, or suffer any of his people or passengers to come on shore, or any boat to come on board, or suffer any goods to be taken out of his vessel, unless permitted as aforesaid, or shall come up to said town, with his vessel, until by a certificate under the hands of said selectmen, or the major part of them, it shall appear that said vessel, company and goods are clear of infection, and the orders for stopping the same be removed or taken off, he shall for every such offence forfeit the sum of *two hundred dollars*; and in case he be not able to pay that sum he shall suffer three months imprisonment ; and if any sailors or passengers, coming in said vessel, shall without the knowledge or consent of the master or commander, presume to come on shore, or up above the castle aforesaid, or if any person shall knowingly presume to go on board from shore, or go to the aforesaid House or Island in time of infection there, without leave as aforesaid ; or if any person put sick into the said house or sent there on suspicion of being infected shall presume to go off the said Island without leave as aforesaid, any person offending in any of the particulars above mentioned shall forfeit the sum of *two hundred dollars*; and in case such person be not able to pay such forfeiture, he shall suffer two months' imprisonment. All prosecutions for offences contrary to this and the preceding section, shall be by indictment or information in the Supreme Judicial Court or Court of General Sessions of the Peace ; and one moiety of all fines mentioned in said sections shall be to the use of the town of *Boston*, and the other moiety to the use of the selectmen of said town for the time being, whose particular duty it is hereby made to prosecute therefor.

SECT. 8. *And be it further enacted*, That whenever any ship or vessel, wherein any infection or infectious sickness hath lately been, shall come to any harbour within this State ; or whenever any person or persons belonging to, or that may either by sea or land come into any town or place near the public Hospital aforesaid, shall be visited, or

Persons landing
or holding com-
munication with
persons on shore
forbidden until
legally per-
mitted.

shall lately before have been visited with any infectious sickness, two of the Justices of the Peace or Selectmen of such place be, and hereby are empowered immediately to order the said vessel and sick persons to the said Hospital, there to be taken care of according to the directions of this Act: And where any such ship, vessel or persons cannot without great inconvenience and damage be ordered to the aforesaid Hospital, in any such case the rules and directions are to be observed which are provided in the first enacting clause of this Act: And in case the master or mariners of any vessel ordered to the Hospital as aforesaid, shall refuse or delay for the space of six hours after such order being given, to said master or either of the owners of said vessel, or of the factors, or either of said owners of the goods, to come to sail, if wind and weather permit, in order to proceed to said Hospital, such master so refusing shall forfeit and pay the sum of *four hundred dollars*; and each mariner so refusing, the sum of *one hundred dollars*; and in case they be not able to pay said sums, they shall suffer six months' imprisonment; one half of said fine to be to the informer, and the other half to the poor of the town or district, to which such port or harbour belongs, and to be recovered in any Court of Record proper to try the same by indictment or information.

SECT. 9. *And be it further enacted*, That if any master, seaman or passenger, belonging to any vessel on board which any infection is, or may have lately been, or suspected to have been, or which may have come from any port where any infectious mortal distemper prevails, shall refuse to make answer on oath to such questions as may be asked him or them relating to such infection by the Selectmen of the town to which such vessel may come (which oath the Selectmen are hereby empowered to administer), such master, seaman or passenger, so refusing, shall forfeit the sum of *two hundred dollars*; and in case he be not able to pay said sum, he shall suffer six months' imprisonment; said penalty to be adjudged on prosecution by indictment on information in any Court proper to try the same, one moiety of said fine to the use of the town where the offence may be committed, and the other moiety to the use of the Selectmen thereof,

Vessels may be
ordered to Hos-
pital Island.

Case of refusal
to go to the
hospital.

Persons refus-
ing to answer
properly when
questioned by
the Selectmen.

Nurses, &c., to
be provided.

whose particular duty it is hereby made to prosecute therefor. And the Selectmen of *Boston* are hereby authorized and directed to provide nurses, assistants, and necessaries, for the comfort and relief of such sick persons as may be sent to said Hospital as aforesaid: The charge thereof to be borne by the said persons themselves, if able, or, if poor and unable, by the towns to which they respectively belong, or, if not inhabitants of any particular town, or other place within this State, then by the Commonwealth.

SECT. 10. *And be it further enacted*, That whenever the small pox, or other mortally infectious distemper, shall prevail in any of the towns wherein the Supreme Judicial Court of this Commonwealth, the Courts of Common Pleas, or General Sessions of the Peace are to be holden, at the times prescribed by law, or by their own adjournment, for their sitting in such town, the Justices of the said Courts, respectively, are hereby empowered to adjourn and hold said Courts in any town within the same County, by proclamation to be made in the shire town, or as near the same as safety will in their opinion permit. .

SECT. 11. *And be it further enacted*, That each town, or district in this Commonwealth, may at their meeting held in March or April, annually, or at any other meeting legally warned for the purpose, when they shall adjudge it to be necessary, choose and appoint a health Committee, to consist of not less than five nor more than nine suitable persons, or one person to be a Health Officer, whose duty it shall be to remove all filth of any kind whatever, which shall be found in any of the Streets, Lanes, Wharves, Dock, or in any other place whatever in the limits of the town to which such Committee or Health Officer belongs, whenever such filth shall in their judgement endanger the lives or the health of the inhabitants thereof; all the expenses whereof to be paid by the person or persons who placed it there, if known, or, if not, by the town by which said committee or Health Officer was appointed. And whenever any filth as aforesaid, shall be found on private property, said Committee or Health Officer shall notify and order the owner or occupant thereof after twenty-four hours to remove the same, at their own expense;

Health Commit-
tee or Health
officer may be
appointed.

Duty.

and in case said owner or occupier shall neglect to remove such filth from his or her property, after the expiration of the time aforesaid, he or they so offending shall forfeit and pay a fine of *one hundred dollars*, to be sued for and recovered with costs of suit by said Committee or Health Officer, before any Court proper to try the same, for the use of the poor of the town in which such offence is committed. And said owner or occupier as aforesaid shall be liable and obliged to repay to said town all costs and charges which the said Committee or Health Officer may have incurred in removing the filth from his or her property, and in case of refusal to pay the same, he or they may be sued in the same way as is provided in this Act for the recovery of fines as aforesaid.

SECT. 12. *And be it further enacted*, That whenever vessels shall arrive at any port other than *Boston* within this Commonwealth, having on board any person visited with the plague, small pox, malignant fever, or any other pestilential disease, the master, commander, or pilot thereof shall not bring such vessel up near the town of the port where she first arrives, until liberty be first granted in writing by the Selectmen thereof; but they may bring such vessel to an anchor in such place below the town, as will be most for the safety of the inhabitants thereof and the preservation of the vessel and the people on board, there to wait for orders from the Selectmen of the town before any passenger or person belonging to, or any thing on board the same be brought on shore; and any master or commander of such vessel who shall be found guilty of a breach of the Law contained in this section, shall forfeit and pay a fine of *two hundred dollars* for every such offence, upon conviction thereof before any Court proper to try the same; and any Pilot who may go on board any such vessel, and pilot the same up to the town without liberty first had and obtained from the Selectmen thereof as aforesaid, shall upon conviction, in manner as aforesaid, forfeit and pay a fine of *fifty dollars* for every such offence; all which fines contained in this section may be sued for and recovered with costs of suit in manner as aforesaid by the Selectmen of the town where the offence is committed, to and for the use of the same town.

Infectious
vessels how to
be disposed at
other towns
than Boston.

SECT. 13. And be it further enacted, That a law of this Commonwealth made in the year one thousand seven hundred and one, providing in case of sickness; one other Law made in addition thereto in the year one thousand seven hundred and fifty-one; one other Law made in the year one thousand seven hundred and thirty, empowering Courts to adjourn and remove from the towns appointed by law for holding Courts, to other towns in case of sickness by small pox; one other law made in the year of our Lord one thousand seven hundred and fifty-seven, for regulating the Hospital on *Rainsford Island* and further providing in case of sickness; one Law passed the next year in addition thereto, one other Law made in the year one thousand seven hundred and forty-two to prevent the spreading of the small pox and other infectious sickness, and to prevent the concealing the same, be, and they are hereby repealed, except that the same shall remain in force for the purpose of recovering all fines incurred by force thereof.

(This act passed June 22, 1797.)

The foregoing repeals an act passed April 13, 1757.

The first act establishing a Board of Health in the town of Boston was passed on 13th February, 1799. This act (a copy of which is annexed) empowered the Board to examine into all nuisances, or if they suspected any cause of disease, could all, or any two of them, with a justice of peace and sheriff, examine cellars, vessels, &c. It conferred, however, no power on the Board to regulate the quarantine of Boston. (See sketch of their disabilities taken from the records, on page 50.)

CHAPTER XVII.

AN ACT TO EMPOWER THE INHABITANTS OF THE TOWN OF BOSTON TO CHOOSE A BOARD OF HEALTH, AND FOR REMOVING AND PREVENTING NUISANCES IN SAID TOWN.

SECTION 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That

Previous law
repealed.

the freeholders and other inhabitants of the town of *Boston*, qualified to vote for Town Officers, shall, on the first Wednesday in the month of April, annually, meet in their respective wards, at such times, and in such places, as may be appointed, to choose one able and discreet person, who shall be an inhabitant of the ward for which he shall be chosen, and a freeholder, to be a Member of a Board of Health, which shall consist of a Member from each ward, to be chosen by ballot, and not otherwise; which Board, when so chosen, shall elect a President and Secretary; and shall, seven days, at least, before the said first Wednesday in April, annually, publish a notification in two of the newspapers printed in the town of *Boston*, mentioning the time and place, within each ward respectively, when and where the several wards shall assemble for the purposes aforesaid. And the members of the Board of Health, for the year preceding, shall preside, each in his ward respectively, at said meeting, until a Clerk shall be chosen by the ward, and no longer; which choice shall be by ballot. The Clerk shall then call for the votes, receive and count the same in open meeting, and certify to the President of the existing Board of Health within twenty-four hours after said meeting, the name of the person that shall be chosen by a majority of the votes present, and on failure thereof shall forfeit the sum of *ten dollars*. And in case of the death, neglect, or refusal of the Member of the Board of Health to preside at said meeting, the ward may appoint a committee to receive the votes for a Clerk. And upon a return of the members chosen, the President of the Board shall notify them to meet at a certain time and place, to be by him pointed out, within seven days after said first Wednesday in April, at which time the Board of Health, for the year ensuing, shall be formed. And on the death or resignation of the President or Secretary, the Board may, at any time, fill such vacancy. And on the death or resignation of any member of the Board, the ward for which he was a member, may, at any time, fill such vacancy, upon a notification from the Board of Health, in manner before provided for the choice of its members.

SECT. 2. *And be it further enacted by the*

Members for
wards to be
chosen annually.

To have a Presi-
dent and Secre-
tary.

Members to pre-
side in their
wards each year
at the new
choice until a
clerk is chosen.

Votes to be ex-
hibited to the
President of the
existing Board.

New Board,
how to be as-
sembled.

case of death.

authority aforesaid, That it shall be the duty of the Board of Health, and each of them, to examine into all nuisances, and other causes injurious to the health of the inhabitants, whether the same shall be caused by stagnant waters, drains, common sewers, slaughter-houses, tan yards, filth, filth houses, docks, necessaries, putrid animal or vegetable substances, or any other cause, of whatever kind, which in his or their opinion may be injurious to the health of the inhabitants, as aforesaid ; and they, or any two of them, shall have power with the assistance of any Justice of the Peace, and the Sheriff of said County, or either of his Deputies, forcibly to enter and to search all houses, stores cellars, ships and vessels, between sunrise and sunset, when they may have reason to suspect any of the causes aforesaid to exist.

Provided however, That no Sheriff, or Deputy Sheriff, shall execute any civil process, either by arresting the body or attaching the goods and chattels of any person or persons, under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry ; and all services so made, under colour of such entry, shall be utterly void ; and the officer making such service, shall be considered as a trespasser to all intents *ab initio*. And any person or persons who shall resist such search, shall forfeit and pay the sum of *twenty dollars*, to be recovered in manner hereinafter provided ; and it shall be the duty of the Board of Health, upon the discovery of any such nuisance or other cause, injurious to the health of the inhabitants of said town, forthwith to remove the same ; and upon complaint to any Justice of the Peace within the said town, made upon oath by one or more of the said Board of Health, such Justice shall grant a warrant therein expressing the substance of said complaint, directed to the Sheriff of the County of *Suffolk*, his Deputy, or any Constable of the town of *Boston*, commanding him to notify, and require the person or persons, in whose possession or upon whose property such nuisance or other cause aforesaid existed, or in case of his absence, his Clerk, Agent or Attorney, to appear forthwith before such Justice ; and if such person shall neg-

Members to examine nuisances.

May enter houses, &c., by force.

lect then and there to appear, or appearing, shall not show good cause, to the satisfaction of said Justice, why judgment should not pass against him or them, the said Justice shall, then and there, adjudge that such person or persons, notified and found guilty, as aforesaid, shall pay a fine of *thirteen dollars*, and shall, thereupon, issue his warrant directed to the Sheriff of the county of *Suffolk* or his Deputy, thereby commanding him to levy the expense of said removal on the said occupier or proprietor of the said house, land, cellar, dock, store or vessel, in which said nuisance existed, together with the fine aforesaid; and said fine shall be paid over to the Town Treasurer for the use of the said town. *Provided always*,

That any person or persons aggrieved, at any judgement of a justice, passed against him or them, as aforesaid, shall have a right to appeal therefrom to the Court of Common Pleas, then next to be holden within and for the County of *Suffolk*, who shall hear and determine upon such complaint, with or without the intervention of a Jury, as the case may require, and thereupon render such judgement as the Justice is herein before authorized to do in an original complaint to him, with additional costs, and the judgment of said Court thereon shall be final. *Provided nevertheless*, That no such appeal shall be granted unless the respondent shall claim the same on the day on which the Justice's judgment shall be rendered, and shall enter into recognizance, with two sufficient sureties, to prosecute said appeal with effect. And said Board shall have authority to appoint Scavengers, and such other Officers to assist them in the execution of their office, as they shall judge necessary; for payment of whom, and all necessary expenses, which may arise in the exercise of their office, said Board shall be authorized to draw upon the Town Treasurer, and the accounts of said Board shall be examined by the Committee of Accounts annually chosen by the town for that purpose, who shall report a state of them to the town accordingly, and the same shall be paid by the Treasurer of the said town.

Nuisances to be removed at the expense of the offending party.

Proviso.

Board may appoint scavengers and draw on Town Treasurer for money.

SECT. 3. *And it is further enacted by the authority aforesaid,* That any person who shall offer for sale in the town of *Boston*, or shall have

Penalty for possessing putrid meat or fish.

in possession, any tainted or putrid salted meat, or pickled fish, which shall be so deemed by any two of the Board of Health, upon conviction thereof, in manner aforesaid, shall forfeit the sum of *two dollars* for each barrel offered for sale, or that he shall have in possession. And it shall be the duty of every licensed packer of provisions and pickled fish to give information to the Board of Health, or some one of them, of any such meat or fish, that shall come to his knowledge, and shall moreover be sworn before the President of the Board of Health, or some one of the said Board, to give such information, before he shall execute that trust, after the passing of this Act; and said President and Members are hereby severally authorized to administer said oath. And if any packer of provisions shall repack any meat or fish, that shall be unwholesome, or not fit for use, and be thereof convicted before any Court, competent to try the same, he shall forfeit *two dollars* for each barrel so repacked, and shall be forever disqualified from serving again in that capacity; and no provisions shall be repacked in the said town of *Boston*, between the first day of June and the first day of October, in any year, unless upon some Island, where permission therefor shall be obtained in writing from the Board of Health; and any person or persons, who shall repack any provisions within the times aforesaid in said town of *Boston*, shall forfeit the sum of *two dollars* for each barrel so repacked.

Packers to be sworn.

Penalty for re-packing bad provisions.

No untanned hides to be permitted in town for certain time.

Penalty for throwing filth into the docks.

SECT. 4. *And be it further enacted*, That no untanned hides shall be stored or kept in the town of *Boston* between the first day of May and the first day of December, and that all such hides, found in said town, within the times mentioned, shall be forfeited, unless removed without the limits of said town by the owner thereof, within twenty-four hours after notice given him by the said Board of Health or any two of them: That any person who shall throw into any of the docks in the town any putrid meat, fish, or any other putrid or offensive substance, or any thing contrary to the order or regulations of the Board of Health, shall forfeit and pay for each offence a sum not less than *one dollar* nor more than *twenty dollars*, at the discretion of the Court which may

have cognizance of such offence : That all masters of vessels, who shall throw into any of the docks of said town, without permission from the Board of Health, any filth or sweepings of the vessel's hold, shall forfeit a sum not less than five dollars, nor more than fifty dollars for each offence. And all penalties and forfeitures, arising from this Act, excepting those cases in which it is herein otherwise provided, shall accrue to the use of said town, and shall be prosecuted and removed by action of debt in the name of the President of said Board of Health, or by information in any Court competent to try the same. And it shall be the duty of the Board of Health to oversee and enforce the due execution of the foregoing Law, and prosecute all offenders, and for all penalties and forfeitures which may accrue under the same.

Appropriation
of fines.

SECT. 5. And whereas it may be necessary that the Board of Health should be sooner formed than the month of April: *Be it further enacted*, That in the present year only, the meetings of the several Wards shall be on the first Wednesday in the month of March, and the returns shall be made, and the Board formed in seven days from that time. And Thomas Dawes and William Smith, Esqrs., or either of them, are hereby empowered to authorize some person in Each Ward to call a meeting of such Wards, for the purposes before mentioned, and to direct that the returns shall be made to themselves, who are directed to call a meeting of the Board, as in manner before provided, and to preside at said Board until a President or Secretary shall be chosen, and no longer.

SECT. 6. *And be it further enacted*, That the Wards mentioned in this Act shall be the same printed in a certain Act passed in the eighth and ninth years of the reign of George the Second, entitled, "An Act for Employing and Providing for the Poor of the Town of Boston."

First board to
be chosen in
March.

A former de-
scription of
wards recog-
nized.

[This Act passed February 13, 1799.]

On the 13th Feby, 1799, the General Court of this Commonwealth of Mass. passed an act entitled "An Act to empower the inhabitants of Boston to choose a Board of Health, and for removing and preventing nuisances in said town."

See records in
Board of Health
Office.

Saturday, March 9th, 1799, this Board of Health was duly organized, with Paul Revere as President, and J. W. Folsom as Secretary. A committee was appointed to prepare and report rules and regulations for the government of the Board as well as those relating to the public health. These rules and regulations were not the offspring of hasty consultation, but the result of mature deliberation and sound judgment, assisted by both medical skill and legal advice from men eminent in their profession. After their acceptance and publicity by the Board of Health, the next move was to regulate quarantine. It will be remembered that the General Court had conferred on the Selectmen of Boston the care and management of the hospital at Rainsford Island. All that could be done in the premises by the Board of Health was to request permission from the Selectmen to use the hospital for quarantine purposes. Accordingly we find the following vote:—

April 11th, 1799.

4th. That they would propose to the Select men to direct the Keeper of Rainsford Island to receive all Persons, Cloaths & Bedding sent by us, or any Merchandise, that we thought necessary to be smoaked or cleansed in that Island, and further order the Boatman to call on us whenever and as often as they came to town to receive our directions, and that the officers of the Island are to follow our orders on all Matters we wished.

The reply from Selectmen, dated April 11th, is as follows:—

Voted, The Keeper of Rainsford's Island is directed to Receive all sick or contagious Persons, Cloaths, or Merchandise, that may in the Opinion of the Board of Health, be infectious; and to conduct with them as they shall direct, and the Keeper of the Island is directed to call at the Board of Health's Office as often as he may come to Boston, to receive such Instructions as the Board may have to give, and to conform himself to them until further orders from the select men.

Signed, WILLIAM COOPER, *Town Clerk.*

Hitherto the duties of the Board of Health had been performed by the Selectmen of the town,

assisted in quarantine matters by the captain of the Castle. On April 17th, 1799, a physician (Dr. Welsh) was appointed to act under the direction of the Board, his visiting fee not to exceed four dollars. It appears by his warrant, that his duties were, "to examine all such vessels as shall arrive in the Harbour and be detained at the Castle for this purpose,"—"passengers & seamen with their cloaths and Bedding,"—"to give certificate to the Captain" if found free from infection; also, "to certify to the Commanding officer of the Garrison in like manner." If he found any infectious sickness he was "immediately to inform the Board" as well as to "order the vessel to Rainsford Island to land the sick, and have the vessel sufficiently cleansed before coming up to town."

The Board next informed the commanding officer of Castle William of Dr. Thomas Welsh's appointment and duties, praying he would assist to carry out the same, and be advised from time to time of such ports as they considered infectious.

In the mean time a vessel arrived from New York having a quantity of feathers on board supposed to be infectious. To prevent this recurrence they solicited the aid of the collector of the port of Boston which would serve to double lock the harbor and prevent any vessel with infection from entering the town. The reply of the collector can be gathered from the minutes of the Board, May 15th, as follows:—

"That the Collector agreed, that in future no vessels should be admitted to an entry from the West Indies until this Board were satisfied, that the Cargo might be landed without danger to the Inhabitants; and inasmuch as the Coasters took out a general permit the Collector would give special Orders to Inspectors charged with the Coasting Business, not in future to suffer any Feathers, or other suspected goods to be landed until this Board were satisfied that they are free from Infection. The collector further observed the necessity of this Board notifying him on this subject in writing."

It has already been stated that the first act establishing a Board of Health in the town of Boston gave them no powers over its quarantine.

At a meeting of the Board of Health held on May 22d, 1799, the following vote was passed, showing the necessity felt for the transfer to them of the quarantine power exercised by the Selectmen :—

"Voted, That Paul Revere, Esq., be a Committee to confer with the Town's Committee, the Representatives of the Town to the General Court of this Commonwealth, or to the Attorney General on the Expediency of altering and amending the Law Entitled, An Act to Empower the Inhabitants of the Town of Boston for choosing a Board of Health, and for removing & preventing Nuisances."

On June 20th, 1799, an act was passed which transferred the power over quarantine to the Board of Health. See the following sections of the said Act :—

"An Act to Empower the Town of Boston to choose a Board of Health and removing & preventing of Nuisances passed the 20th June, 1799."

SECTION 1
SECT. 2.
SECT. 3.
SECT. 4.
SECT. 5.
SECT. 6.

SECT. 7. *And be it further enacted, that all masters of vessels, or other persons, being on board the same, who shall throw, or suffer to be thrown, into any of the docks of said Town, without permission from the Board of Health, any filth or sweepings of vessels' holds, on land, or suffer to be landed, any suspected cloaths or bedding, or in anywise contravene the rules and regulations of said Board, that may be made as aforesaid, contrary to the true intent and meaning of this Act, shall severally forfeit, and pay for every such offence not more than thirteen, nor less than five dollars, according to the nature of the aggra-*

Throwing filth
into docks, and
landing sus-
pected clothes,
prohibited.

vation of the offence, to be sued for and recovered in manner pointed out in third section of this Act.

SECT. 8. *And be it further enacted by the authority aforesaid,* That whenever it shall appear to the said Board of Health, that the safety of the Inhabitants of the town of Boston, requires that any vessel or vessels which shall arrive within the harbor of Boston, from any port or place, should perform quarantine, the said Board are hereby required and empowered to cause such vessel or vessels to perform quarantine, under such restrictions, regulations, and qualifications, as they may judge expedient; and any owner, master, supercargo, officer, seaman, consignee or other person, who shall neglect or refuse to obey the directions, rules, regulations, restrictions and qualifications of the said Board of Health, respecting said quarantine, and shall be thereof convicted upon indictment or information before the Supreme Judicial Court, or Court of General Sessions of the Peace; held in the said County of *Suffolk*, shall be fined a sum not exceeding *five hundred dollars*, or be imprisoned for a term of time not exceeding six months, or both at the discretion of the Court having cognizance of such offence.

The Board may direct quarantine.

Penalty for breach of.

SECT. 9. *And be it further enacted,* That whenever the said Board of Health shall think it necessary to order all vessels, which shall or may arrive at the said port of *Boston* from any particular port or ports, to perform quarantine, and shall give notice of such order to the pilots of the said port of *Boston*, it shall be the duty of such pilots to make known the said order to the captains or masters of all vessels which they shall board, and if any pilot, after notice given to him, as aforesaid, shall neglect to make known the said order, or shall pilot any vessel to any place in the harbor of *Boston* except to *Rainsford's Island*, he shall forfeit and lose his Branch, and shall be disqualified from doing and performing the duty of a Pilot for the term of twelve months then next ensuing.

Pilots directed.

SECT. 10. *And be it further enacted,* That any master or commander of any vessel, who shall enter the said harbor of *Boston*, with his said vessel, after notice given to him, by any person, or persons, whomsoever, that a quarantine has

Penalty for evading quarantine orders.

been directed by the Board of Health, for all vessels, coming from the port or place from which such master or commander shall have arrived, or who shall falsely or fraudulently attempt to elude the directions of the said Board of Health, by false and unfounded declarations of the port or place from whence he came, or who shall land, or suffer to be landed, from his vessel any person or persons, or goods, apparrell, bedding or merchandize, whatsoever, without the permission of the said Board of Health, every such master or commander, shall upon conviction thereof, in manner and form pointed out in the 8th Section of this Act, forfeit and pay a sum not exceeding *five hundred dollars* or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court having cognizance of such offence.

*Keepers of lodg.
ing-houses di-
rected.*

SECT. 11. *And be it further enacted,* That every keeper of a boarding or lodging-house, within the town of *Boston*, between the first day of *May* and the first day of *November*, in each year, shall within twelve hours, after any seafaring man or other lodgers become sick in such boarding or lodging house, within the town of *Boston*, report in writing, the name of such diseased person, to the Board of Health, or to any member of said Board, and the nature of his disorder. And no master of a vessel shall remove any sick or diseased person, from any vessel lying at any of the wharves within the harbor of *Boston*, before the name of such sick person, has been reported to the Board of Health or a member thereof, and a written permit obtained from at least two of them, authorizing such removal, which permit shall express the time, place and manner of such removal. And every person whether Keepers of boarding or lodging houses, or masters of vessels, who shall refuse or neglect to comply with either of the aforesaid directions, shall, on conviction before the Court of General Sessions of the Peace, in said County, forfeit and pay a fine not exceeding *one hundred dollars*, or suffer imprisonment not exceeding two months, or both, at the discretion of said Court.

*Masters of ves-
sels not to re-
move sick.*

SECT. 12. *And be it further enacted,* That whenever the visiting Physician of the said Board of Health, shall think it necessary that any vessel

*Physician au-
thorized.*

should be purified and cleansed, and perform quarantine, he shall direct the master or commander of such vessel, to prevent to anchor near *Rainsford's Island*, within the outer harbor of *Boston*, for the purpose of purification; and it shall be the duty of said Physician to apply to the Board of Health, to direct the time and manner in which said purification shall take place, and the expenses thereof, shall be defrayed by the master, commander, owner, or consignee of every such vessel, to be recovered, by an action on the case, in the name of the President of the said Board of Health. And each and every master, commander, owner, or consignee of every such vessel, who shall neglect or refuse to comply with such directions, shall on conviction thereof before the Court of General Sessions of the Peace, be fined not exceeding *one thousand dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court.

Penalty for dis-
obeying physi-
cian.

SECT. 13. *And be it further enacted*, That every diseased mariner, or other person sent to *Rainsford's Island*, by the said Board of Health, shall be there kept and maintained at his or their own cost and expense, or his or their parents, or master's (if able) otherwise at the charge of the Town or place, to which they belong, and in case such person or persons, have no legal settlement in any Town or place, within this State, then at the charge of the Commonwealth; and every person sent to *Rainsford's Island*, for the purpose of purification as aforesaid, by the said Board of Health, shall be subject to the same restrictions, as are provided by the 7th section of an Act of this Commonwealth, passed the twenty-second day of June, one thousand seven hundred and ninety-seven, entitled, "*An act to prevent the spreading of contagious sickness.*"

Diseased mari-
ners to defray
expenses, if
able; with pro-
vision when not
able.

SECT. 14. *And be it further enacted*, That the Board of Health, for the town of *Boston*, shall provide at the expense of the said Town, a suitable number of red flags, of two yards at least in length, and whenever they shall order a vessel or vessels, to *Rainsford's Island*, for the purpose of purification, they shall direct the Keeper of said Island, to hoist on a flag-staff, to be erected for the purpose, one of said flags; and the master of

Red flags to be
provided.

every vessel, ordered there to perform quarantine, shall hoist one of the said flags on the head of the mainmast, there to be kept, during the day time, so long as the vessel, or vessels shall remain at said Island, for the purpose of purification ; and during the time that any vessel is performing quarantine, no person shall go on board thereof, except those employed by, or under the Board of Health, nor shall any person go within a line to be designated upon the land on *Rainsford's Island*, and every person who shall transgress in either of these cases, shall be considered as contaminated with infliction, and held to undergo purification in the same manner, and under the same regulations, and restrictions, as those performing quarantine on said Island, and shall there remain until discharged by the visiting Physician, and the said Physician, or the Keeper of the said Island, or any person employed thereon, may forcibly detain him for the purpose aforesaid.

Vessels subject
to quarantine
passing the cas-
tle to be sent
back.

SECT. 15. *And be it further enacted*, That if any ship or vessel, subject to quarantine, shall pass by the Castle, and enter within the inner harbor of *Boston*, it shall be the duty of the Board of Health for said Town, or any two of them, to order the master of the said vessel to proceed forthwith with her crew, passengers and cargo to *Rainsford's Island*; and in case the said master shall refuse, or neglect to do so, for the space of one hour after said order, he shall on conviction before the Supreme Judicial Court, or Court of General Sessions of the Peace, in said County, forfeit and pay a fine not exceeding *one thousand dollars*, or suffer imprisonment not exceeding six months, or both, at the discretion of the Court; and the said Board of Health, on any neglect or refusal as aforesaid, shall have power and authority forcibly to enter on board such vessel, and to call to their assistance, one or more of the Pilots, for the harbor of *Boston*, and such other persons, as may be necessary, to proceed with said vessel, her crew, passengers and cargo to *Rainsford's Island*, the expense of which removal shall be paid by the owner of such vessel, which shall, and may be recovered by an action of the case, in any Court competent to try the same; and any Pilot or other person, who shall refuse to give his assistance

Force may be
used.

Pilots to give
assistance under
penalty.

when required, shall pay a fine of *thirteen dollars*, to be recovered upon conviction before any Justice of the Peace for the County of *Suffolk*, who shall issue his warrant of distress against the goods and estate, and for want thereof, against the body of such person who shall be convicted as aforesaid.

SECT. 16. *And be it further enacted*, That all the powers and duties which are given to, and required of the Selectmen of the town of *Boston*, by a certain law of this Commonwealth, passed the twenty-second day of *June*, one thousand seven hundred and ninety-seven, entitled, "An act to prevent the spreading of contagious sickness," shall be, and they are hereby transferred to, and made the duty of the Board of Health of the town of *Boston*, anything in said law to the contrary notwithstanding.

Certain powers transferred from the Selectmen to the Board of Health.

SECT. 17. *And be it further enacted*, That the Board of Health, for the town of *Boston*, shall, and they hereby are empowered from time to time, to choose a suitable and discreet person, who has been approved of by some Medical Society within this Commonwealth, to act as a visiting Physician to said Board, whose duty it shall be, to visit all vessels coming from any place or places, in which the said Board shall think that any contagious sickness prevails, and such Physician shall be under the directions of said Board, and may be removed by them whenever they shall see cause.

Board to appoint visiting physician.

Board of Health, additional act, passed June 20, 1816 :—

AN ACT to empower the town of Boston to choose a Board of Health and to prescribe their power and duty.

It recites the time of choosing members, the powers of the clerk, powers of the president, regulations and powers of the Board, and provides in the following sections for its supervision over quarantine :—

SECTION 5. *Be it further enacted*, That the said Board of Health shall have power, from time to time, to make and establish all such rules, orders and regulations relating to clothing, or any article capable of containing or conveying any infectious

disease, or creating any sickness, which may be brought into, or conveyed from the town of Boston, or into or from any vessel, or on or from any island in the harbor of Boston, as they shall think proper for public safety, or to prevent the spreading of any dangerous or contagious disease. And all such rules, orders and regulations, so as aforesaid by said Board made and established, shall be obeyed by all persons from and after the same have been published in two of the newspapers printed in the town of Boston, and shall continue to be in full force, until altered or repealed by the Board who made and established the same, or some succeeding Board ; and every person who shall destroy or violate any of such rules, orders and regulations, shall forfeit and pay a sum not less than one dollar, and not more than one hundred dollars, according to the nature and aggravation of such offence.

Fines.

SECT. 6. *Be it further enacted,* That the said Board of Health, shall have power to establish and regulate the quarantine to be performed by all vessels arriving within the harbor of Boston, and for that purpose shall have power from time to time to establish, make and ordain all such orders, rules, and regulations relating to said quarantine, as said Board shall think necessary for the safety of the public and the security of the health of the inhabitants of the said town of Boston ; which said rules, orders and regulations, so as aforesaid established, made and ordained, shall be obeyed by all persons, and shall continue in force from and after the same shall have been published, in two newspapers, printed in the town of Boston, until the same are altered or repealed by the said Board establishing, making and ordaining the same, or by some succeeding Board of Health. And said rules, orders and regulations may extend as well to all persons arriving in such vessels, and to their property and effects aboard such vessels, and to all such persons as may visit, or go on board such vessels, after their arrival in said harbor of Boston, and to the cargo of all such vessels as to the vessels themselves—as also to every matter and thing relating to, or connected with such vessel, or the cargo of the same, or to any person or persons going on board, or returning from the

Quarantine.

same; and every person who shall knowingly or wilfully violate or disobey any such rules, orders and regulations, so as aforesaid made, established or ordained by said Board of Health, shall severally forfeit and pay a sum not less than five dollars and Fines. not exceeding five hundred dollars, according to the aggravation of the offence. And the Board of Health shall have power at all times, to cause any vessel arriving in the harbor of Boston, which is foul and infected, or whose cargo is foul and infected with any malignant or contagious disease to be removed and placed on quarantine ground, and the same to be thoroughly cleansed and purified at the expense and charge of the owners, consignees or possessors of the same; and also all persons arriving in, or going on board such infected vessel, or handling such infected cargo, to be removed to Hospital or Rainsford Island, under the care of said Board and to the Hospital on the same, there to remain under the orders, and regulations of said Board. All expenses incurred on account of any person under the quarantine rules, orders and regulations of said Board of Health, shall be paid by such persons.

SECT. 7. *Be it further enacted,* That said Board of Health shall have power, and it shall be their duty to elect and appoint a principal Physician to said Board, who shall reside in Boston, and an assistant Physician, who shall, during the time of quarantine, reside on Hospital Island, also an Island-Keeper to reside on said Hospital Island, Boatmen and other Officers and servants as will be necessary to carry into effect the rules, orders and regulations of said Board of Health, as it respects the quarantine; and shall prescribe to them their duty, and establish their salary and fees, and displace or remove them at pleasure, and elect and appoint others in their places; also said Board shall, from time to time, establish and regulate the fees or expenses attending the said quarantine regulations, shall have the care of said Rainsford, or Hospital Island, and of the Hospital on the same, and of all property on said Island and belonging to or connected with the Hospital on the same; and shall annually, in the month of January in each year, file in the Secretary's Office of this Commonwealth, an exact and true account of the state Officers appointed for Hospital Island.

of the property in, and connected with the Hospital establishment on said Island, and of the property belonging to the Commonwealth on said Island and of all money expended thereon.

SECT. 8.

1797, ch. 16.
1799, ch. 10.

SECT. 9. *Be it further enacted*, That all the powers and duties which are given to, or required of the Selectmen of the town of Boston, by a law of this Commonwealth, passed the twenty-second day of June, in the year of our Lord one thousand seven hundred and ninety-seven, entitled, "An Act to prevent the spreading of contagious sickness," and by the several acts in addition thereto, shall be, and they hereby are transferred to and made the duty of the Board of Health of the town of Boston anything in said laws to the contrary notwithstanding.

The early jurisdiction over quarantine was exercised by the Governor and Council of the Colony of Massachusetts Bay. Later it was carried out by the same, with the assistance of the Selectmen of the town of Boston. These Selectmen had the full powers over quarantine conferred on them by an act passed in the year 1797. By the appointment of a Board of Health in 1799, all the powers of the Selectmen over quarantine were delegated to this Board by an act passed 20th June, 1799, and continued until the Board ceased to exist.

"By the seventeenth section of the act of 1821, establishing the City of Boston, all the power and authority by law invested in the Board of Health for the town of Boston, at the time of the passage of the said act, relative to the quarantine of vessels, and relative to every other subject whatsoever, was transferred to and vested in the City Council, to be carried into execution by the appointment of Health Commissioners, or in such other manner as the health, cleanliness, comfort and order of the said city might in their judgment require, subject to such alterations as the legislature might from time to time adopt." (See City Ordinances, 1856, page 242.)

By a resolve of the Legislature passed February 4th, 1832, the Governor was authorized to appoint three commissioners to revise the General Statutes

of this Commonwealth. This body of laws compiled by the commissioners, and known as the Revised Statutes of the Commonwealth of Massachusetts, was passed November 4th, 1835. Another act was passed on the same date, repealing all previous statutes therein revised and consolidated.

In the Revised Statutes, the act on the subject of quarantine can be found in Chapter 21, commencing with Section 27. In substance, this act is the same as that passed in the year 1816.

About the latter end of April, 1860, the preliminary report of the Commissioners of the New Survey of Boston Harbor had been referred to the Committee on Harbor. After having examined the same, the committee recommended the purchase of Gallop's Island, and also ascertained the sum for which it could be purchased.

Agreeably to their recommendation the following order was passed:—

Ordered, That the Committee on the Harbor be and hereby are authorized and directed to purchase in behalf of the city, the island in Boston Harbor known as Galloupe's Island, for a sum not exceeding six thousand six hundred dollars.

Ordered, That the Treasurer be and he hereby ^{Loan.} is authorized to borrow, under the direction of the Committee on Finance, the sum of six thousand six hundred dollars, the same to be appropriated to the purchase of Galloupe's Island, in Boston Harbor.

Read twice, and passed. Yeas, Aldermen Atkins, Bailey, Briggs, Clapp, Crane, Hanson, Holbrook, Pierce, Preston, Willis, 10. Nays, none. Sent down for concurrence. May 3d. Came up concurred—yeas, 32; nays, none.

Approved by the Mayor May 8, 1860. (See City Records, Vol. 38, page 278.)

Gallop's Island was purchased by the City of Boston in 1860. The War Department had erected on it a number of buildings, which were occupied by United States troops. The civil war had ended, the United States authorities had no further use for the buildings, and in view of the approach of cholera these buildings would be highly serviceable to the city. Negotiations were entered

into, and the sum of five thousand dollars appropriated for the purchase of the buildings and furniture. (See the following records.)

The Secretary of War having suspended the proposed sale of the barracks lately occupied by the United States troops on Galloupe's Island in this Harbor, in order that said building may be used by the City of Boston for Sanitary purposes in expectation of the approach of the Cholera — it was Ordered, That the Committee on External Health be authorized to assume the control and custody of all the property on Galloupe's Island, whenever the United States authorities are prepared to transfer the same to the City, subject to such orders as may from time to time be given by this Board as a Board of Health.

Approved by the Mayor February 20, 1866.
(See City Records, Vol. 44, p. 100.)

The Committee on External Health who were directed to provide suitable accommodations for immigrants arriving at this port in vessels having sickness on board, have attended to this subject, and respectfully report, That the necessity for enlarged accommodations for immigrants and sick passengers at Deer Island (the present Quarantine Station), in view of the unparalleled numbers who will be transported from Europe the present year, induced the Mayor to confer with the United States authorities in order to obtain, if possible, the purchase of the buildings on Gallop's Island, formerly used by the War Department as barracks for the soldiers. After many negotiations, which were attended with much trouble, and at one time with little prospect of success, the United States Government offered to dispose of the buildings to the city at an appraised value, about forty-five hundred dollars. The city already owns the island, which is most favorably situated for a Quarantine Station, and on it is an admirable wharf, which was constructed by the United States Government. The Committee do not hesitate to recommend that this offer be accepted, and they submit the following orders to accomplish the purpose; one for the purchase of the buildings and other property of the United States Government now on the island,

and the other for a transfer from the Reserved Fund to meet this and other contingent expense connected therewith. In making up the appropriation for the Reserved Fund, an estimate for possible sanitary contingencies, amounting to \$30,000, was incorporated therein. Should these orders meet the approval of the City Council, the Committee ask leave to submit an Ordinance extending the quarantine limits within the harbor to Gallop's Island, and also to give authority to the appointment of an assistant Port Physician, in case such an officer shall be required. The Ordinance has been drafted by the City Solicitor, and is in the proper form.—For the Committee, SAMUEL D. CRANE, Chairman.

Ordered, That the Committee on External Health be authorized, with the approval of his Honor the Mayor, to purchase of the War Department, the buildings and other property on Gallop's Island, lately used and owned by the United States, and also the buildings and furniture of any other parties (if any such are there located), at an expense not exceeding five thousand dollars.

Ordered, That the sum of ten thousand dollars be transferred from the Reserved Fund to the appropriation for External Health to pay for the purchase of the buildings and property on Gallop's Island belonging to the United States and other parties, and for the maintenance and care of said buildings as a portion of the Quarantine Establishment of the Port of Boston.—Read twice, and passed. Yeas, Aldermen Crane, Davies, Fitch, James, Mayo, Messenger, Stark, Tyler, Wait, 9. Nays, none.—Sent down for concurrence. Came up concurred,—yeas, 55; nays, none.

Approved by the Mayor June 1, 1866.
(See City Records, Vol. 44, pp. 379, 380.)

An Ordinance entitled, "An Ordinance relating Quarantine. to the Quarantine Grounds," and which provides for the establishment of Quarantine Stations at Deer Island and Gallop's Island, also for the appointment of an Assistant Port Physician, was read twice and passed.—Sent down for concurrence. Came up concurred.

Approved by the Mayor June 1, 1866.
(See City Records, Vol. 44, p. 380.)

May 31, 1866.

Ordered, That the Committee on External Health be and they are hereby authorized to sell and dispose of such articles and buildings recently purchased of the United States as may not be required by the city, and that the proceeds of the same be placed to the credit of the External Health appropriation.

Sent down for concurrence. June 28. Came up concurred.

Approved by the Mayor June 30, 1866.
(See City Records, Vol. 44, p. 428.)

By reference to pages 22 and 23 it will be seen that the location of quarantine had been changed from Rainsford Island (Nantasket Road), into the road at Deer Island, in the year 1849.

The first officer acting under the title of Port Physician was chosen August 20, 1850, by concurrent vote of both branches of the City Council.

"The present quarantine ground is, as has before been stated, near Deer Island. In view of the possibility of the occurrence of malignant cholera, the city, in the spring of 1866, purchased the buildings erected on Gallop's Island, the United States government no longer requiring them for military purposes, and passed an ordinance on the first day of June, 1866, extending the quarantine grounds so as to include Gallop's Island.

(See Topographical and Historical Description of Boston, page 525.)

The quarantine hospital, as established on Deer Island in 1849, remained there until April, 1867. At this time small-pox was prevailing in the city to a considerable extent, and the greater number of cases requiring to be removed were sent down to quarantine hospital. The accommodations at Deer Island soon became inadequate, and in April of that year, for the purpose of providing larger hospitals and the better isolation of contagious diseases in quarantine, several buildings on Gallop's Island were temporarily fitted up, and the patients in the old hospital at Deer Island removed thereto. The Deer Island hospital was then abandoned. From time to time the old buildings at Gallop's Island were enlarged and improved, as the demand for their use increased, until during the epidemic

of small-pox in the winter of 1872-3, when at one time they contained over one hundred patients.

During the epidemic referred to the present Board of Health was created and given all the authority before vested in the Mayor and Aldermen or City Council as a Board of Health.

This board at once established an inland hospital for small-pox, since which no cases have been sent from the city to quarantine. All the old buildings on the island have since been removed and new ones have taken their places. There are two commodious hospitals, one for small-pox and the other for fever patients. These, with an ample supply of hospital tents now on hand, are sufficient for any emergency likely to arise in our quarantine.

The island has been greatly improved in the last few years, and provided with suitable buildings and appurtenances of every kind for the keeper, and for the proper maintenance of a quarantine establishment.

The boarding station is still at Deer Island, where it has been since 1849.

It is provided with a steam propeller for the use of the Port Physician and his assistant in boarding vessels and transferring the sick from vessels to the quarantine hospitals.

By the following ordinance it appears that the Board of Aldermen shall constitute a Board of Health of the City of Boston. Passed May 21st, 1863.

SECTION 1. The Board of Aldermen shall constitute the Board of Health of the city, for all purposes, and shall exercise all the powers vested in, and shall perform all the duties prescribed to, the City Council as a Board of Health; subject only to any limitations and restrictions contained in the ordinances, regulations, and orders of the City Council.

Section 40 of the city charter appended to the city ordinances shows a delegation of their power.

Board of Health.
1821, c. 110, § 17.
12 Pick., 134.
1849, c. 211, § 1.

SECT. 40. All the power and authority now by law vested in the City Council, or in the Board of Mayor and Aldermen, relative to the public health and the quarantine of vessels, shall continue to be

vested in the City Council, to be carried into execution by the appointment of one or more health commissioners; or in such other manner as the health, cleanliness, comfort and order of the city may, in their judgment, require, subject to such alterations as the Legislature may from time to time adopt. The powers and duties above named may be exercised and carried into effect by the City Council in any manner which they may prescribe, or through the agency of any persons to whom they may delegate the same, notwithstanding a personal exercise of the same, collectively or individually, is prescribed by previous legislation, and the City Council may constitute either branch, or any committee of their number, whether joint or separate, the Board of Health, for all or for particular purposes.

In accordance with this section an ordinance was passed December 2d, 1872, constituting the present Board of Health,¹ and delegating the powers hitherto exercised by the Mayor and Aldermen, or City Council, to the said Board. (See the following ordinances.)

BOARD OF HEALTH.

**Appointment
of Board of
Health.**

Terms of office.

Compensation.

SECT. 5. In the month of November, in the year 1872, or as soon thereafter as may be, the Mayor shall appoint, subject to the approval and confirmation of the City Council, three persons, not members of the City Council, who shall constitute the Board of Health in the City of Boston. The persons so appointed shall enter upon the duties of their office forthwith. The terms of office shall be so arranged at the time of their appointment that the term of one shall expire on the first Monday in May in each year after the year 1873, and the vacancy so created, as well as all vacancies occurring otherwise, shall be filled by the Mayor, with the approval of the City Council. The members of said Board shall at all times be subject to removal by the Mayor for cause. For their services they shall receive such compensation as the City Council may from time to time determine.

¹ Organized January 15, 1873.

SECT. 7. The Board of Health, as hereby constituted, shall have and exercise all the powers vested in, and shall perform all the duties prescribed to, the City Council or the Board of Aldermen as a Board of Health, under the statutes and ordinances now in force ; and shall have power to appoint such subordinate officers, agents and assistants, in addition to those hereinafter designated, as they may deem necessary ; and may fix their compensation, and the compensation of the clerk before mentioned ; *provided*, that the whole amount of such compensation shall not exceed the sum appropriated therefor by the City Council.

Powers and
duties of Board.

PRESENT STATUTES CONCERNING QUARANTINE.

QUARANTINE.

32. A town may establish a quarantine ground in a suitable place either within or without its own limits ; but if such place is without its limits, the assent of the town within whose limits it may be established shall be first obtained.

City may estab-
lish a quarantine
ground.
G. S., c. 26, § 32.

33. Two or more towns may at their joint expense establish a quarantine ground for their common use, in any suitable place either within or without their own limits ; but if such place is without their limits, they shall first obtain the assent of the town within whose limits it may be.

Two or more
may establish
a common
quarantine
ground.
Ibid. § 33.

34. The Board of Health in each seaport town may from time to time establish the quarantine to be performed by vessels arriving within its harbor ; and may make such quarantine regulations as it judges necessary for the health and safety of the inhabitants.

Board of Health
may establish
quarantine of
vessels.
Ibid. § 34.

Whenever quarantine is imposed on any vessel coming from abroad, and the owner, consignee, master, or other person interested in such vessel or her cargo, shall be interrogated by any member of the Board of Health in his official capacity, or by the visiting physician of said Board, respecting any circumstance or event touching the health of the crew or passengers on such vessel, or any infection suspected in the cargo, from the time of her first engaging on the voyage she may then be terminating, and the said owner, consignee, master, or other person interested as aforesaid, shall make

*Penalty if owner
or master of
vessel make
false declara-
tion.*
*Spec. Laws, v.
3, p. 211, § 3.*

any false or unfounded declaration respecting the points under examination, every such owner, consignee, master, or other interested person, upon conviction thereof, in manner as pointed out in the eighth section of the law to which this is an addition, shall forfeit and pay a fine not exceeding five hundred dollars, suffer the six months' imprisonment, either or both, at the discretion of the court having cognizance of such offence.

Quarantine regulations to extend to all, etc.
G. S. 26, § 35.

Penalty for violation after notice.
Ibid. § 36.

Vessels suspected of infection to be ordered to quarantine.
Ibid. § 37.

Penalty, if master, seaman, etc., refuse to answer on oath, etc.
Ibid. § 38.

Quarantine expenses, how paid by person or owner.
Ibid. § 39.

35. Such regulations shall extend to all persons, goods, and effects arriving in such vessels, and to all persons who may visit or go on board of the same.

36. Whoever violates any such regulation, after notice thereof has been given in the manner before provided in this chapter, shall forfeit a sum not less than five nor more than five hundred dollars.

37. The board in each seaport town may at all times cause a vessel arriving in such port, when such vessel or the cargo thereof is in his opinion foul or infected, so as to endanger the public health, to be removed to the quarantine ground, and thoroughly purified at the expense of the owners, consignees, or persons in possession of the same; and may cause all persons arriving in or going on board of such vessel, or handling the cargo, to be removed to any hospital under the care of the Board, there to remain under their orders.

38. If a master, seaman, or passenger belonging to a vessel on board of which any infection then is or has lately been, or is suspected to have been, or which has been at, or has come from, a port where infectious distemper prevails that may endanger the public health, refuses to make answer on oath to such questions as may be asked him relating to such infection or distemper by the Board of Health of the town to which such vessel may come (which oath any member of the Board may administer), such master, seaman, or passenger shall forfeit a sum not exceeding two hundred dollars; and if not able to pay said sum, he shall suffer six months' imprisonment.

39. All expenses incurred on account of any person, vessel, or goods, under quarantine regulations, shall be paid by such persons, or the owner of such vessel or goods respectively.

*THE PRESENT ORDINANCES RELATING TO
QUARANTINE.*

QUARANTINE.

SECT. 23. The quarantine grounds of the city of Boston shall consist of Deer Island and Gallop's Island, in Boston Harbor; and said islands are hereby made and declared to be the places of quarantine for the port of Boston.

Quarantine grounds.
Dec. 2, 1878.

PORt PHYSICIAN.

SECT. 24. The said Board of Health shall annually, in the month of April, appoint, subject to the approval of the Mayor, a suitable person for port physician, who shall hold his office for one year from the first Monday in May in the year in which he is appointed, unless sooner removed; and he may be removed at the pleasure of the Board, and a vacancy may be filled at any time for the unexpired term. He shall perform such duties in addition to those hereinafter designated, keep such records, and make such reports, as the Board of Health may from time to time direct. For his services he shall receive such compensation as the City Council may from time to time determine.

Port physician;
appointment and duties.
Ibid.

SECT. 25. The port physician shall reside at Deer Island. He shall be superintendent and physician of the quarantine establishment at Deer Island, and either physician or assistant physician, as the board of directors for public institutions may elect, of all the city establishments which are, or may be, located upon said island. He shall also perform all such services as may be required of him by the Mayor, or the Board of Health, in relation to quarantine.

Shall reside at
Deer Island.
Mar. 7, 1873.

SECT. 26. The port physician may, at any time, with the concurrence of the Board of Health, appoint an assistant port physician, to hold his office so long as the Board of Health shall determine; and such port physician shall receive such compensation for his services as may be appropriated therefor by the City Council.

Assistant port
physician.
Dec. 2, 1872.

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